

LIBRARY

E.5



NEW ZEALAND

REPORT

OF THE

DEPARTMENT OF JUSTICE

FOR THE YEAR ENDED

31 MARCH 1974

*Presented to the House of Representatives by Command of
His Excellency the Governor-General*

BY AUTHORITY:

A. R. SHEARER, GOVERNMENT PRINTER, WELLINGTON, NEW ZEALAND—1974

Price 25c

17052

CONTENTS

	PAGE
Introduction	3
Land Registration	4
The Administration of Justice	5
Sentencing	11
Penal Division	12
Probation Division	18
Law Reform and Legislation	21
Commercial Affairs Division	23
Registrar-General's Division	24
Patents Division	25
Finance	27

52071

INTRODUCTION

Supposed failures of justice in the courts and judicial system, more especially in the Children's Courts, received wide publicity during 1973, with accusations of racism being freely made by a few. We can certainly not be complacent about the conditions under which the work of the Children's Courts is carried out, but to suggest that Maori youth, or any section of the community, is the victim of prejudice or of an alien judicial system is in my view unsupported by evidence and completely untenable. In truth Magistrates and others concerned with the judicial process take particular pains not only to deal justly with members of minority groups who are the subject of prosecutions but to be seen to be fair. Our laws and our procedures are by no means perfect and urgent efforts should be directed towards the removal of blemishes. Nevertheless, where a person of any race is found guilty this means that his guilt has either been proved on the facts or has been admitted by that person. In the vast majority of cases these facts constitute wrongful conduct in terms not only of European law but of Polynesian and other mores.

Last year I was mildly optimistic about the effect of changes in organisation and procedures on the delays that have bedevilled some of the larger Land Registry offices for some years and have caused understandable public irritation and even disquiet. Unhappily the measures taken have not sufficed to cure our problems and in the face of a continuing flood tide of land transactions recurrent delays continue. What I said in last year's annual report remains all too true: "Much still remains to be done to bring the Land and Deeds Division into line with the needs and demands of today and to remove the nineteenth century outlook that prevails in some respects." It would be unrealistic to expect instant service but certainly the public have the right to know that their land dealings will be recorded promptly and that their purchase of sections or homes or other real property will not be held up by avoidable delays in the issue of new titles. In acknowledging our own deficiencies however I point out that present delays are partly attributable to the poor standard of conveyancing by some solicitors. The legal profession are justified in asking us to put our house in order; they can properly be expected to improve their own standard of practice likewise. The deficiencies on both sides could indeed have the same cause—a shortage of good quality middle-grade staff. It is simply not practicable to use untrained staff for this kind of work; to do so simply makes matters worse.

In contrast, crises in the prisons administration have for once been absent, although this is not to say that we have had no problems or that there have not been latent critical situations. The number of inmates has remained relatively steady. The shortage of medium-security accommodation continues, and in the absence of a fairly substantial (and unlikely) fall in the numbers requiring that degree of security there is little prospect of relief until the institutions that have been planned at Wanganui, Hawke's Bay and Auckland are built and opened. Even then the need to vacate Mount Eden Prison will ensure a continuing dearth. And if 1973 was devoid of crises it was also a year that did not see any dramatic progress. Probably the most important development was a marked liberalisation of the home-leave provisions, which now apply to the great majority of minimum security inmates.

Inset

Our association with the Standing Committee of Federal and State Attorneys-General in Australia continued with a meeting of the committee in Wellington on 19 and 20 February 1974 in which you occupied the chair. Many of the matters discussed by the committee are naturally purely domestic Australian concerns but I am satisfied that those items in which New Zealand has an interest are ample to warrant our continued attendance at meetings at regular intervals. In Wellington for example there were fruitful discussions at ministerial or officers' level on common reforms in the law of domicile, the wider recognition of custody orders, and the accessibility of legal aid to residents of other jurisdictions. We might well give consideration to bringing together Law Ministers from the newly independent nations of the South Pacific to join with their Australian and New Zealand colleagues to discuss issues of common interest and common approaches to legislation on particular topics.

The official opening in September 1973 of the Australian Institute of Criminology in Canberra marks a development that we warmly welcome. At this stage we are interested more particularly in the training activities of the institute and we have been invited to participate on most generous terms. A visit to New Zealand towards the end of last year by the Acting Director, Judge J. H. Muirhead, and the Senior Criminologist, Mr Harold Weir, was the introduction to what for us will doubtless prove a most beneficial association with the institute.

Our links with UNAFEI at Fuchu, Japan, the United Nations, Asia, and Far East Institute for the Prevention of Crime and Treatment of Offenders, were strengthened by the visit in October of the institute's Deputy Director, Mr Minoru Shikita.

It is gratifying to record, too, that a number of our senior officers were able, through one means or another, to attend conferences and undertake tours of study and investigation overseas. It is not too much to say that the opportunity to see what is being done in other countries and to discuss mutual problems with officials on the spot greatly adds to the balanced development of our own policies and procedures.

LAND REGISTRATION

Perhaps because the land registration system has operated with reasonable efficiency in the past few people have a full appreciation of how close the system lies to the heart of our economy and our society. The land transfer system was conceived over 100 years ago as an instrument of facilitating dealings with land and thereby promoting the country's economic and social development. Two of its objects were to make ownership certain and secure and the transfer and mortgaging of land relatively simple and speedy. Despite changes in outlook these purposes remain of the first importance today. The significance of the system is illustrated by the fact that the total consideration in transfers and mortgages of land registered during the last year is likely to exceed \$2,000 million and the annual interest on mortgages registered will be over \$50 million.

The critical situation in some of the main Land Registry offices, notably Auckland, Hamilton, and Wellington continues, exacerbated by a volume of land transactions that has many of the characteristics of a speculative boom and seems to have little relation to the real needs

of the community. The size of the problem appears from the following figures from the Wellington Land Registry:

	Instruments registered
1959-60	44,826
1965-66	59,180
1969-70	63,257
1972-73	84,193
1973-74	97,166

Thus in 14 years the number of transactions has more than doubled, while in 1973-74 alone it increased by 15 percent. In the Auckland Land Registry Office the number of instruments registered rose from 97,000 in 1967-68 to 165,000 in 1972-73. Despite the check imposed by the introduction of the property speculation tax the figure increased further to 204,000 in 1973-74, an increase of over 20 percent in 1 year. During the last 2 years 30,000 new certificates of title were issued from the Auckland Registry. In March 1974 the volume of transactions there was running at a daily average of over 750. In November and December 1973 alone almost 40,000 instruments were presented.

Notwithstanding significant increases in staff establishments arrears of work, which we thought last year we were on the point of overcoming, have again built up in the face of this upsurge. Drastic measures will be necessary to meet the situation and while substantial increases in staff are a necessary part of the answer they will not of themselves suffice. At its more senior levels Land Registry office work calls for considerable specialised and management skills and there is an absolute shortage of people with the necessary experience to carry out the work in terms of the present organisation. In Auckland and Wellington even basic grade staff are extremely difficult to recruit.

Apart from endeavouring to obtain more staff we must therefore attack the problem through reorganisation and through training. There has been a good deal of restructuring in the Auckland Land Registry Office during the last 2 years and the new systems and procedures introduced have undoubtedly helped the office in coping with the increased volume of business. Steps are being taken to introduce these procedures in other Land Registry offices as soon as possible. The extent and content of training has varied considerably between offices. It has therefore been decided to give a much more prominent place to training during the next 2 or 3 years and a comprehensive programme is being prepared to provide intensive training for staff at all levels.

While the department could do, and will do, more to overcome present problems I think it is as well to state bluntly that some of the delay about which the public complains and much of the burden imposed upon officers of the Land and Deeds Division is caused by poor standards of conveyancing on the part of some members of the legal profession. At the Wellington Land Transfer Office for example, 25 percent of documents are being rejected at the counter because of basic faults in them or in associated instruments. A further 10 percent of documents that are accepted initially are the subject of subsequent requisitions, in many cases for fundamental errors. It seems clear that in a number of solicitors' offices virtually no proper check of documents

is made. In these circumstances the certificate that is required to be signed by the solicitor on each document, "Correct for the purposes of the Land Transfer Act", becomes almost farcical.

The following table analyses the work of the Land and Deeds Division for the last 5 years:

Year Ended 31 March	Instruments Registered	Certificates of Title Issued	Plans of Subdivision	Fees Collected
1970	339,400	37,525	5,887	\$ 1,371,509
1971	381,893	41,639	6,209	1,572,182
1972	393,426	39,270	6,684	1,711,777
1973	469,676	44,779	7,664	2,197,660
1974	560,635	45,932	10,002	2,553,906

THE ADMINISTRATION OF JUSTICE

Our system of courts, the procedures they follow and the laws they administer exist to do justice to all persons and groups within the community, and their ability to fulfil this purpose is the litmus by which they must be tested. In the main our judicial and legal systems have been copied from the English model although with numerous adaptations to fit them better to the needs of this country at a particular point in time. It has never been my view that these adaptations have been sufficient. There is need for continual scrutiny and attention to the state of the courts and of the law. This in essence is the case for a continuous and planned programme of law reform.

However I do not accept that our legal institutions are fundamentally unsatisfactory or inadequate. In particular I do not for a moment admit that their European, and specifically English, origin in any way renders them unsuitable for the non-European and non-English ethnic groups that are part of the New Zealand community. While respecting the sincerity of those who argue otherwise I believe that they are proceeding from the false premise that judicial systems are no more than the expression of a particular culture and cannot transcend it. If evidence to refute this be needed it can be found in the eagerness of newly independent Commonwealth countries to preserve and adopt as their own rightful heritage the common law and the spirit of the judicial institutions that were originally brought to them in the luggage of their English rulers. Indigenous cultures themselves have been almost everywhere profoundly and fundamentally affected and changed by contact with European and other ways of life during the past 2 centuries or so. These changes have doubtless been for the worse as well as for the better. What matters however is that this transformation is a fact, in New Zealand and elsewhere.

The onus is surely on those who assert that Polynesians, for instance, are victims of an alien criminal law to say precisely what offences are so inconsistent with the norms of Polynesian culture that they should cease to be punishable. I am prepared to assert that responsible Maori and Island opinion would be the first to condemn in terms of their own values those offences that make up the vast bulk of our criminal calendar—woundings, assaults, robberies, burglaries, thefts, and the like.

This having been said, it is only right that in a multi-cultural polity like New Zealand special care should be taken in framing and administering the law to ensure its just application to minority groups. We have not been altogether free from blame in this respect. Some provisions of the criminal law are on their face difficult to reconcile with Maori and other Polynesian values. For instance the justice of a law and of an enforcement policy that prosecutes young Polynesian men for having sexual relations with girls approaching the age of 16 has long been far from evident. Likewise, whatever may be said of their use in practice, parts of our vagrancy laws are in their terms the antithesis of what I understand to be the obligations and responsibilities of Polynesian society.

I see a need to approach this problem in three ways. First is the substantive task of seeking in the revision of laws, procedures, and practices to bear in mind the needs, values, and attitudes of all sections of the community and not simply those of the middle-class pakeha of British origin. It may well be found that in accommodating our laws and institutions more to minority groups they will serve all New Zealanders better. Second is the need for wider consultation with representatives of minority groups in the policymaking that is preliminary to the framing of legislation. Third is the need to encourage greater minority participation in all branches and at all levels of the judicial process. It is a reproach to New Zealanders that five or six generations after the coming of British sovereignty there are relatively few Maoris at the higher levels of our political and judicial institutions. At the same time I am convinced that the remedy does not lie in having a double standard of qualification. That would surely be an offensive piece of patronising. But the adaptation and enrichment of our institutions so that they will be more influenced by and more responsive to other values will be far more effectively secured by participation of members of those groups in their operation than by any form of criticism from outside.

Imprisonment for Debt

This subject has been discussed in several earlier reports of the department but I make no apology for raising it again. It has long been the established policy that on conviction for a criminal offence imprisonment should be resorted to only where there is no other suitable way of dealing with the offender. Recognition of this policy may well be carried further in the Criminal Justice Amendment Bill now being prepared. In making the decision to imprison or not courts look to the circumstances of the offender as well as to those of the offence.

In contrast, imprisonment for debt remains as an unsightly vestige of the nineteenth century retributive philosophy that prison is the fit place for those who deprive others of their property. I am not saying that the obligation to pay one's debts is to be taken lightly, nor that creditors should not be able to look to the law for help. I am aware also that the threat, perhaps more than the fact, of imprisonment is often effective in obtaining payment and that the courts will habitually, whether or not the debtor is present, suspend a warrant of committal subject to payment by modest instalments. Taking all this into account,

I believe nonetheless that the notion of imprisonment as the automatic or usual final sanction for non-payment of debts is neither humane nor just. We may well ask ourselves why New Zealand with its long-standing reputation for legislative concern and compassion for humble people and for a generally liberal penal policy should retain harsher laws against debtors than many kindred Commonwealth countries.

In its effect the Imprisonment for Debt Limitation Act is very much a piece of class legislation. It is normally the low income-group that finds itself in the predicament that ends with the threat of imprisonment for debt. Many such debtors work in seasonal occupations and lack a continuity of income, and are among the most vulnerable to the high-risk credit arrangements that advertising and sales promotion generate. Many belong to non-European ethnic groups and may not have a full appreciation of credit arrangements or the obligations any such arrangements may impose on them. Once they have slipped into debt the door to eventual imprisonment is wide open. Happily voluntary budget advisory groups, which seem to be more effective in the smaller communities, save many from this situation and the summary instalment order scheme under the Insolvency Act has also been of some value in this context. Plainly, however, these things are not enough.

The problem is easy to isolate but the solution is not so obvious. In the past proposals have been made to improve the present law by minor changes of practice or of evidentiary requirements but on further examination the prospects of real amelioration by these means have proved a chimera. We may well have reached the point where the nettle must be grasped by abolishing imprisonment for debt completely and substituting attachment of wages as the only sanction.

Court Procedures

This year is to see the introduction of the new means for the disposal of minor criminal charges in the shape of the minor offences procedure as provided for in the Summary Proceedings Amendment Act 1973. This is unique in concept and is likely to effect a significant change. Among other things it should substantially reduce the overall time spent by prosecutors, witnesses, and defendants in Court or awaiting hearings, although it was not designed, and is unlikely, to give much relief to Magistrates or court staff.

Once again the figure for criminal prosecutions has shown a considerable increase and this year Magistrates' Courts may well be required to handle more than 400,000 charges. The existing system simply could not cope without a major enlargement of staff and facilities and without serious inconvenience to the public. Moreover I believe also that traffic breaches, and many other minor breaches of the criminal law, are not being prosecuted simply because the demand on officers to attend at Court would be such that their effectiveness as law enforcement officers would be severely curtailed. Any situation where a decision to prosecute is based on the ability of the administration to cope rather than the facts of the case is obviously bad.

Costs in Criminal Cases

This is not the first time I have mentioned the operation of the Costs in Criminal Cases Act 1967. The object of this Act, which was seen as

a companion piece to the criminal legal aid scheme, is to ensure that as far as practicable a defendant wrongly charged with a criminal offence is not put substantially out of pocket by having to establish his innocence. The Act declares in effect that a technical acquittal does not confer a right to costs, and undoubtedly most acquittals in our courts result from a technicality or from giving the defendant the benefit of the doubt rather than from his innocence. But on the other hand the Act stipulates that costs shall not be refused simply because the prosecution was reasonably brought and continued. Yet during 1973 orders under the Act for the whole country averaged only 6 a month. I cannot believe that the number of acquittals on the merits was not many times as great, remembering that over 20,000 charges in the Magistrates' Courts were dismissed or withdrawn in the same period.

Whether this remarkable reluctance to use a piece of benevolent legislation is due to the Courts or the legal profession I cannot say. What I do claim is that if the Act were applied much more generously and in accord with what I believe is its spirit and intention, there would be far fewer criticisms of the administration of minor criminal justice.

Court Accommodation

Some progress has been made in replacing inadequate premises and modernising others. Our expenditure over the next few years is heavily committed with major new buildings having been approved for the Court of Appeal and Supreme Court at Wellington, for new courts at Christchurch and for a new Supreme Court at Auckland. We hope that a contract for the Court of Appeal will be let later this year and the building completed in 1976. A new Supreme Court on an adjacent site will follow.

The basement of the Stage I administration and library block of the Christchurch Supreme Court will be completed this year, working drawings for the block are being made and tenders should be called in September 1974, with completion of the building programmed for late 1976. Government approved the preparation of working drawings for the Supreme Court block itself in November 1973. Temporary accommodation for the court in the old art gallery building was completed and occupied in 1973.

Although the existing Supreme Court building in Auckland is too small to house the needs of the court, this edifice, over 100 years old, still has many years of life left and is highly regarded because of its historical associations and unique architectural features. Sketch plans for a new court block are being made and present programming is for construction to start in 1977. In the meantime temporary accommodation will be provided.

The existing Hamilton court building is too small to serve the growth of the area. In 1973 Government gave approval in principle to a scheme for a Supreme Court annex at Hamilton, the existing building to be used as a Magistrate's Court.

During the year a contract was let for alterations to the Kaitia Magistrate's Court and these should be completed this year. A contract was finally let for the construction of a new Magistrate's Court at Lower Hutt with completion expected in mid 1975. A new combined Supreme and Magistrate's Courthouse has been under construction at Nelson and is virtually complete.

There remain most unsatisfactory conditions in the Magistrates' Courts at Wellington and Auckland, particularly in respect of facilities for Children's Courts. If these courts are to be conducted in the manner that the legislation requires and society demands it is imperative that proper facilities be provided. In Auckland we are planning the conversion of very old premises, contiguous to the existing Magistrate's Court building, to provide a Children's Court and other hearing facilities. At best this is a short-term solution and more acceptable accommodation must be provided as soon as finance permits. The problem in Wellington is even more acute. A new court is planned for Porirua and the first stage will provide facilities for Children's and Domestic Proceedings Courts. As an interim measure we are investigating, with the co-operation of the Porirua City Council, the use of a community building to hold sittings of the Children's Court and, if this can be arranged, some relief will be given to Wellington.

Our most important need is to add to the number of courthouses in the main metropolitan areas. There is an optimum size for a court beyond which inefficiencies proliferate. It is imprudent to allow courts to grow so much that administration becomes impersonal and unwieldy and therefore fails to fulfil their social needs. The Auckland Magistrate's Court has already reached, if not passed, that optimum.

I have mentioned planning for a new court at Porirua which will be unique in its concept. We are also considering a court in Henderson to serve the western districts of Auckland and are carrying out a study of the South Auckland area to determine the future needs for Otahuhu, Otara, Mangere, Wiri, and Papakura.

Staffing

A slight falling off in the volume of civil business has enabled the staff in our courts to meet deadlines and maintain the high standard of service which the public has come to expect. It is obvious, however, that the continuing growth in the volume of criminal business is placing a greater strain on our officers and, in common with most other groups, lack of experience is of particular concern.

Recent changes and contemplated changes in our legislation will impose much wider responsibilities on Court Registrars and it is therefore imperative that we maintain our staff at maximum strength and provide training in this new role if we are to fulfil the obligations imposed on us.

Administrative Tribunals

The Tribunals Division is now servicing the following tribunals:

- Copyright Tribunal.
- Crimes Compensation Tribunal.
- Indecent Publications Tribunal.
- Legal Aid Appeal Authority.
- Licensing Control Commission.
- New Zealand Co-operative Dairy Companies Tribunal.
- Overtime and Shift-work Recognition Authority.
- Town and Country Planning Appeal Boards (3).

The work of the Payroll Taxation Transitional Relief Committee has now been completed and the legislation repealed. During the next 12 months the Social Security Appeal Authority, the Accident Compensation Appeal Authority, and the Taxation Board of Review are expected to come under the administration of the division. On the other hand, with the coming into force of the Accident Compensation Act, the Crimes Compensation Tribunal is likely to disappear.

During the year 1,467 matters were recorded for reference to the Town and Country Planning Appeal Boards, the largest number yet recorded. The bulk of the increase is represented by 622 objections made under the Sale of Liquor Act 1962 in respect of two separate proposals to permit the establishment of tavern premises licences.

On 21 November 1973 Royal assent was given to the Public Works Amendment Act 1973. Section 6 of this amendment gives objectors the right to object to the Town and Country Planning Appeal Boards in respect of notices of intention to take land for public works. Thirty-four objections in respect of one such notice of intention have been lodged but the full extent and the effect of this legislation cannot as yet be assessed. It has been found necessary to recommend the reconstitution of the Special Board to deal with the increased volume of work.

Judicial Officers: Judges

Appointments—The Hon. Mr Justice Chilwell and the Hon. Mr Justice Casey.

Retirements—The Hon. Sir Trevor Henry and the Right Hon. Sir Alexander Turner (President, Court of Appeal).

Judicial Officers: Magistrates

Appointments—P. M. Browne, s.m., I. Hay, s.m., F. W. Bremner, s.m. and G. J. Seeman, s.m.

Retirements—D. G. Sinclair, s.m., and M. B. Scully, s.m.

Deaths—With regret I record the death of W. R. Birks, s.m., on 31 January 1974.

SENTENCING

To say that proper sentencing has regard to all the circumstances both of the offence and the offender is almost to utter a cliché, but it is easy for people to overlook this proposition when they observe what appear to be wide disparities in sentences imposed by different courts and in the same court on different offenders. Although complete consistency is unobtainable in the absence of mechanical rules that would themselves be recognised as unfair, at least in serious cases, all Judges and Magistrates accept consistency as a goal to be sought in the imposition of sentences. There is, however, a widespread confusion between consistency—in the sense of treating like cases alike—and uniformity. Uniformity of sentencing is generally speaking neither practicable nor desirable. No two cases are exactly the same, and it is difficult to compare them without knowing all the facts. Even if the offence is similar the same sentence may affect one offender much more severely than another. His general character, his prior criminal record (if any), his family responsibilities, the likelihood of the offence being repeated, the con-

sequences for his job or standing in the community of the conviction itself—all these and many more factors are relevant. Much of the criticism levelled against particular sentences is made in inevitable ignorance of the facts that the court has taken into account.

One instance of a penalty that may be far more oppressive for some than others is deportation. Our law has always given the Executive Government the discretionary power to deport non-citizens who have committed offences of some seriousness—at any time in the case of aliens and within 5 years of their arrival in New Zealand in the case of British subjects. This is a power that all countries assume, and I do not query its desirability. However, to make it mandatory, either generally or for any particular class of crime, would in my view be a serious mistake and would ignore the fundamental principle that the circumstances of the offender are relevant in assessing the justice of any punishment. There is the world of difference between deporting the offender (perhaps with a prior record) whose crime is committed after a brief sojourn in New Zealand and who has no family or social ties here and deporting the permanent resident who may have adopted New Zealand as a home and may have severed his ties with his country of origin.

Hitherto the usual practice has been to require offenders who are serving a term of imprisonment and who are to be deported to undergo the whole or virtually the whole of their sentence prior to deportation. This was done to avoid treating the deportee more lightly than others sentenced to similar terms of imprisonment. We have realised, however, that in avoiding one type of anomaly this policy can create another. Accordingly all prisoners serving a sentence of 12 months or longer who are to be deported will have their cases considered by the Prisons Parole Board. The board will be able to have regard to the relative hardship of deportation in deciding how much of his present sentence the deportee should serve.

I have said that there is not complete consistency of sentencing in New Zealand and some have argued from this (and for other reasons) that the responsibility of sentencing should be transferred from Judges and Magistrates to special tribunals. Whatever may be said for this in theory, I have very much doubt whether, even if the severe practical difficulties could be surmounted, it would bring about either better or more consistent sentencing. It is of interest and significance that a proposal for special sentencing bodies was formally rejected by a Royal Commission in South Australia. The commission's reasons against such an innovation appear to me conclusive.

PENAL DIVISION

Young Offenders

Substantial changes in measures for dealing with young offenders will be introduced with amendments to the Criminal Justice Act this year. In 1969 the department published a pamphlet entitled *Review of Borstal Policy*. After close study and wide consultation since then the following recommendations were made to and accepted by Government:

- (1) That Probation Service staffing be strengthened and additional probation hostels be established.
- (2) That the sentence of borstal training be phased out.

- (3) That the sentences of detention in a penal institution (other than periodic detention) for young offenders from 15 to 20 years of age be—
 - (a) Three months' corrective training, or
 - (b) Six months' corrective training, or
 - (c) A finite sentence to be served at a youth prison.

The elements of the corrective training programme will be hard work, social and remedial education, physical training, and field explorations and expeditions which demand high standards of team and individual effort. The programme will seek the achievement of specific goals and skills with the aims of encouraging better self respect, self discipline, and self reliance. It will be positive, not punitive; it will be demanding, but rewarding if accepted in the right spirit. Maximum interaction of staff and trainees will be a key note and with this the crucial importance of the selection and training of staff is obvious.

The 3 months sentence of corrective training will be served at the present detention centres at Hautu and Rolleston. Centres for the 6 months sentence are being established at Turangi and Invercargill. The borstal institutions at Waikeria, Invercargill, and Waihiata will become youth prisons but the "training" emphasis of the present borstal programme will be retained. Our hope is that with the development of the scheme a good proportion of the kind of offenders who now go to borstal will be diverted to the shorter but more demanding sentence of 6 months' corrective training.

Prison and Borstal Population

It is necessary to say again that overcrowding still prevails in too many institutions. Mt. Eden, Napier, and Wellington Prisons are operating constantly at, or above, normal capacity and tolerable conditions are preserved only by the frequent transfer of inmates to other places to relieve pressure. Fortunately the overall prison population remains at much the same level as reported last year. At the end of March 1974, 2,428 males and 106 females were in custody, the comparable figure for 1973 being 2,452 males and 98 females.

The need for new penal institutions is a matter of urgent importance. It would be foolish to pretend that we can do without imprisonment as the ultimate sanction for certain offenders. We also know from experience that prisoners cannot be compelled, nor should they be expected, to submit without protest to living in the cramped, squalid, and insanitary conditions that still prevail in the older prisons. Those who would regard this as of small importance should be reminded that staff also have to work in such surroundings, making their difficult task much more unpleasant.

Penal practice still falls regrettably short of penal policy. With the best will in the world it is not possible to bring every good influence to bear on offenders who must perforce be housed in conditions which defeat the purpose. To dwell upon the importance of visits and family ties is futile when so many must be moved away from their home area. Again, for a man to share a cell from choice is one thing; for him to be forced to share because of overcrowding is quite another. It is this that gives rise to many problems of control within institutions. The sooner

we can get back to basic standards of privacy and decency the better. Unfortunately it seems that the expedient of "doubling up" has served over the years to conceal the inadequacy of older prisons and to postpone much needed capital expenditure. Architectural plans are well advanced for several new institutions which will ease the situation if financial constraints do not delay their construction. Another formidable delaying factor comes from local demands that any new penal institution be built somewhere else. This type of reaction has seriously delayed the much needed new prison to replace Napier Gaol. However much it may be hidden behind plausible arguments it reduces itself in many cases to placing individual preferences ahead of the public interest, an interest that in other circumstances many of the most vociferous protesters would stoutly assert. This is natural enough, but the elementary fact is that every prison must be built somewhere, and it must be built near enough to existing communities to attract and retain staff, both general and specialist.

Escapes

There has been a pleasing reduction in the number of escapes. This was mainly due to the dramatic drop from 68 to 24 at the youth institutions especially at the largest borstal, Waikeria, where in 1972 only 2 borstal trainees absconded whilst in contrast there were 24 in 1973. Altogether there were 136 escapes during this year; 65 from prisons, 24 from borstals, 7 from detention centres, 16 from hostels, and 24 from parole.

Release to Work

Four hundred and twenty-seven prison inmates were granted the opportunity of work parole in the community and 398 were successfully placed in employment. Some difficulty is experienced in finding employment at the more remote institutions such as Ohura, Tongariro, and Waikune, and transfers to other institutions and pre-release hostels are limited by the lack of accommodation. Additional pre-release hostels and the replacement of the present Mt. Eden Prison would assist but it seems that the problem of lack of work in the country areas will be with us for some time. One hundred and forty-four borstal trainees were allowed to work for short periods for local employers.

Home Leave and Temporary Parole

One hundred and seventy-four first offenders were granted home leave including leave for Christmas, compared to 163 the previous year. Two hundred and eighteen other inmates were granted temporary parole, lasting from a few hours to several days for compassionate, educational, and pre-release purposes.

Having said in earlier reports that this scheme could usefully be extended to other categories, I am now pleased that as from February 1974 it has been enlarged so as to apply to all those serving imprisonment in minimum security institutions provided they have a suitable family or sponsor to go to and seem unlikely to be a risk while in the community.

Prison Industries

During the year there has been continuing emphasis on full employment of inmates. To achieve this we have expanded existing industries, opened additional workshops and continued the investigations into the establishment of new industries. Our industries include cabinetmaking, steel furniture, metal products, engineering, printing, bootmaking, canvas goods, tailoring, multiwall paper bags, polythene and PVC products, farms, forests, poultry units, orchards, gardens, and laundries.

We are no longer concerned only with the purchase of equipment and the continuation of industries which require a high labour content; indeed the output of some industries is limited by availability of inmate labour. In these cases labour-saving machinery is being purchased to increase production, give working conditions more in line with outside employment, and increased revenue with a consequent saving to the tax payer. As new institutions are established so this policy can be extended.

The major problem in Mt. Eden continues to be unemployment, arising from difficulties imposed by the number of inmates, old buildings and restricted space. In spite of this, plans for extending existing workshops within the walls have been completed. A large, well-equipped cabinetmaking workshop will be in operation in 1974. The manufacture of multiwall paper bags and PVC products, commenced last year, has expanded to such an extent that additional space is also to be provided for these industries. To meet all the increased activities in this institution a production manager was appointed in April 1973.

In addition to providing employment for inmates, industries are expected to be profitmaking. The new system of industry accounting introduced from 1 April 1972 revealed those industries which are running at a loss. Corrective action has been taken. Some industries have been closed down and others reorganised to produce a profit.

Our farming activities are organised on a commercial basis and additional funds for better management together with rising prices increased farm revenue from \$522,987 for the year ended 31 March 1972 to \$805,361 to 31 March 1973. This increased to \$912,092 for the year ended 31 March 1974.

The total revenue from industries continues to increase rapidly. The income to 31 March 1974 was \$2,000,194 compared with \$1,746,366 to 31 March 1973, an increase of 14.53 percent.

Investigations into several new industries have made good progress and decisions on these will be made in the current year. The 3-year development plan of the mill at Waikune is continuing and the coming year should see good progress as the approved plans are implemented. The new cabinet workshop at Wi Tako is a modern, well-equipped shop and sufficient orders to keep this industry in full production for the next 12 months have already been received.

Psychiatric Services

A first step towards the provision of better psychiatric services to prisoners was made with the appointment in February 1973 of Dr C. F. Whittington as forensic psychiatrist to the department. His headquarters are in Auckland and it is already clear that he needs assistance just to cover the Auckland area. A further appointment is being sought. For

a number of reasons we cannot continue to look to psychiatric hospitals for the treatment of prison inmates to the extent that has obtained in the past. Planning must be put in hand for a psychiatric unit within the Prisons Service itself.

Psychological Services

The past 10 to 15 years has seen, more particularly in English-speaking countries, the development of various new psychological treatments under the generic title of behaviour therapy. Because some of these treatments have a demonstrable relevance to certain behaviour difficulties connected with offending, they accordingly have been used in a small way over the past 2 to 3 years by some of our psychologists.

Aversion therapy is one of these methods. As its usefulness in certain cases, such as sexual deviance, is thoroughly established it has been used in a small number of appropriate cases. Almost without exception these are cases in which other treatments have already failed but for which aversion therapy holds a reasonable hope of improvement. It goes without saying that aversion therapy, if indicated professionally, proceeds only with the written informed consent of the person concerned, and on an explicit condition that he may withdraw this at any time. Sometimes, more particularly in lay circles, aversion therapy and behaviour therapy are regarded synonymously. This is not the case. Indeed, many behavioural treatments involve no aversive aspect at all.

The improvement in staffing referred to in my last report has continued. Again we have recruited a number of well-qualified people. The service now has an establishment of 25 and we have made appointments to all but one of these positions. Only one psychologist resigned during the year.

Research

Several resignations and the much regretted death of Mrs Jocelyn Roberts, a valued member of the Research Section for 8 years, have restricted the amount of work that the section has been able to undertake. The main activity during 1973 centred around the census of persons in custody or on probation on 4 July 1972. Although this seemed to be a relatively simple exercise the programming and analysis of the information has proved a large task. Our present hope is to have the report printed by the end of the year.

I am pleased to report that during the year the Government approved the allocation of \$20,000 for purposes of outside research in the general area of criminology and one grant has already been made. This should be a most valuable supplement to what we can do with our own manpower.

Chaplaincy

In every institution the presence of the chaplains representing the National Council of Churches and the Catholic Church is a reminder of the ideals of true humanity, and an under-girding of the efforts made by the specialists and prison officers to restore broken personalities.

Since its inception the parallel teams have been led by senior chaplains. For the National Council of Churches, first Rev. L. C. Clements

(now in Geneva), the late Rev. E. S. Hoddinott, and the present senior chaplain, Rev. Rex Goldsmith, M.A. (also chaplain at Arohata Women's Borstal). The Catholic team was led for over 20 years by Monsignor Leo Downey, M.B.E., who was forced by ill-health last year to retire; due recognition was made of his outstanding contribution in the penal field. His place has been taken by Rev. Father T. Hogan (of Cambridge Parish), who continues a truly ecumenical ministry with Reverend Goldsmith.

Ten years ago, the department's publication on penal policy contained a chapter on "The Informed Community", in which a description of the role of the churches stands as relevant today to the contribution the chaplaincy seeks to make—

"It is perhaps of significance that those actively engaged in the life of a church are very rarely inmates of penal institutions. . . . It has become rather too commonplace to write down the contribution of the Churches in the field of prevention against delinquency. . . . They have strongly supported the establishment of probation, pre-release and post-release hostels and have contributed much to voluntary organisations such as the Prisoners' Aid and Rehabilitation Society and the Society of St. Vincent de Paul which operate at most institutions."*

Buildings

A tender has been accepted for a new 163-man medium security prison at Kaitoke near Wanganui. Working drawings for a new 144-man medium security institution sited adjacent to the Paremoremo Maximum Security Prison should be completed in September 1974 ready for the calling of tenders later in the year. The proposal to build a new prison in the Hawke's Bay area to replace the existing century old institution at Napier and provide more accommodation has been fraught with delays. The original two sites chosen were subsequently found to be unsuitable. The third site at Mangaroa, south of Hastings City, was subject to an appeal to the Town and Country Planning Appeal Board. This has just been dismissed and I expect construction to begin within 12 months. When these projects are carried to completion and a new remand prison is established at Auckland we may hope that the serious shortage of medium security accommodation will be ended and that we will be able to close the century-old Mt. Eden. Even if all goes well, however, this happy event will be some years away.

The announced intention to introduce a corrective training sentence for youths will call for three new institutions, probably at Rangipo, Te Kopuru, and Otatara. At Rangipo layout plans have been completed and we are going ahead using existing buildings from the Tongariro power development project. It is to be hoped that the Rangipo centre will be completed this year.

During the year a 60-man detention centre at Hautu was completed and the women's prison at Paparua, near Christchurch, was expected to be occupied in April. A new services block at the Invercargill Borstal

**Crime and Community—A Survey of Penal Policy in New Zealand*. 1964. Government Printer, Wellington, p. 49.

Institution should be completed in October. Planning has continued on a number of projects including the Palmerston North youth institution, the conversion of Dunedin Women's Prison to a remand and short-sentence prison for males, and the new cadet training school at Wi Tako Prison. Tenders should be advertised during 1974.

PROBATION DIVISION

The calibre of individual probation officers is the cornerstone of the esteem in which the service is held by the courts, by other social welfare agencies, and by the public. In the past 4 years the number of officers in the field has increased from 127 to 177, nearly 40 percent. Approximately 10 percent of the staff leave each year and the training and experience a probation officer receives is recognised by many other employers as being of considerable value in a number of fields. Recruitment of new staff is not an easy task. The standard required is deliberately kept high, but the pay scales compare poorly with some other professions. However, it is gratifying to note both the personal and academic qualifications shown by many new recruits. Fourteen assistant probation officers were appointed during the past year of whom 10 were university graduates. The number of places for assistants stands at 20 and their appointment helps considerably in relieving the pressure in some hard pressed district offices.

Caseloads in most districts have risen steadily during the past 12 months, especially in the larger cities. The great majority of offenders now live in the cities and probation officers must use their abilities in assisting probationers and parolees to deal with the pressures that urban living brings. There has also been a steady increase in the number of offenders charged under the Narcotics Act 1965 and released on probation or on parole. Many drug offenders display considerable sophistication and often antipathy towards the Act pursuant to which they have been charged. This is one area where new skills are essential.

As city offices increase in size it is essential that probation officers maintain their links with the community to provide an even more comprehensive service. This is one important advantage of setting up reporting centres in suburban areas, a practice that we have been following and will continue. By working and being known in a particular community a probation officer can better understand the milieu in which probationers and parolees live, and can more easily become involved in preventive social action within the community.

The number of pre-sentence reports has increased faster than have caseloads. This increase has come from two main sources. Firstly, an increasing number of reports are being written about offenders appearing on charges laid under the Transport Act 1962, especially for excess blood alcohol and disqualified driving. The other main increase has been from offenders appearing in Children's Courts. It has been commented upon in past years that probation officers are becoming increasingly involved in Children's Courts and that trend has been accentuated recently.

There is a close liaison between probation officers and other social agencies, both statutory and voluntary. I wish to express my gratitude to these agencies, especially the voluntary organisations which co-operate

with probation officers in such special areas as alcohol and drug addiction, financial problems, home and family problems, accommodation and employment, and mother and child placement homes. Without their assistance the Probation Service would not be able to operate as efficiently as it does.

New ideas and the extension of present policy come not only from within New Zealand but from observing policy in other countries. Mr I. M. Vodanovich, District Probation Officer, Auckland, took up a United Nations Human Rights Fellowship which took him to Europe and the United States. Mr O. R. Bracey, Senior Probation Officer, Auckland, returned from a Nuffield Fellowship which had allowed him to observe and participate in group work in England. They have gained a new perspective and by observing probation work in other jurisdictions, especially in Holland and the United Kingdom, they have been able to make constructive suggestions for improvements in our own service.

Probation Treatment Centres

Treatment centre teams met regularly at Auckland, Hamilton, Wellington and Christchurch. The total number of cases considered were 30. In some of the smaller districts the demand for specialist facilities does not justify the establishment of treatment centres. However, there are cases where professional assistance could be of considerable value and use is being made of community resources, usually the psychiatric units at various public hospitals. While in the United States, Mr Vodanovich was impressed by a system where cases were contracted out to specialists for treatment. This is being investigated with a view to applying it in this country as a logical extension of the probation treatment centre scheme.

Probation Hostels

The female probation hostel at Auckland continues to play an important part in allowing young women offenders to retain their liberty within the community in a supervised environment. During the year 21 probationers were placed in the hostel, of whom 3 were later sentenced to borstal training, but the others remain in the community. A feature of the hostels is the weekly group counselling undertaken by the probation officer who is the liaison officer for the hostel. The probationers at the hostel regard these sessions as playing an important role in assisting in their adjustment in the community.

In August last year a hostel for male probationers was opened in Whangarei in conjunction with the Presbyterian Social Services Association. The hostels in Auckland and Palmerston North continue to provide an important resource in the community for probationers in need of supervised accommodation. A building has recently been purchased in Hamilton for use as a hostel there in co-operation with the Baptist Social Services Association.

The major development in the hostel field has been wider use of deficit financing of hostels administered by various community organisations. Under this scheme the department pays a proportion of the operating loss based on the average proportion of probationers to total residents during the year. The scheme is operating in Auckland, Wellington, and Hamilton at present.

Pre-release and Post-release Hostels

With the extension of the release-to-work scheme, it has become clear that there are far more inmates who would benefit from a period in a pre-release hostel than there is accommodation available. This applies particularly to offenders in the central North Island prison camps who will be returning to cities on their release. We are at present assessing the numbers that need to be accommodated in this way and will then examine ways and means of meeting the need. Staff in pre-release hostels provide a family environment which is an important factor in the rehabilitation of inmates who are boarders in the hostels.

Post-release hostels are managed by the Prisoners' Aid and Rehabilitation Society in liaison with the department and during the year a further post-release hostel was opened in Dunedin.

Periodic Detention

We now have a network of periodic detention work centres throughout the country. There are 30 work centres of which 11 are residential for young offenders and the remainder are non-residential. In the past year further work centres were opened in Auckland, Nelson, New Plymouth, Otahuhu, Tauranga, and Tokoroa. Most work centres also have programmes on evenings during the week within the centre where activities such as defensive driving and first aid courses are undertaken and there are discussions about such topics as Maoritanga and civics.

A third residential centre in Auckland, specifically designed for the offender aged 15-17, was recently opened. At this centre the programme will concentrate more upon achievement goals and social maturity rather than on work projects. A property for the first centre for female offenders, a non-residential centre, has been bought in Auckland and it is hoped that it will be opened soon.

Considerable use is being made of the sentence of periodic detention, 2,150 offenders being sentenced to this form of detention in 1973. The comparable figure for 1972 was 1,471. On any Saturday close to 1,000 detainees are attending a work centre within New Zealand.

Probation and Community Work

Some districts are not large enough to sustain a work centre and in those areas community work as a condition of release on probation can play an important role. In Levin, for example, probationers completed 719 hours of community work last year. The assistance of service organisations is very much appreciated. In some areas probation with community work is a sentence imposed upon female offenders, and the increased flexibility this allows in keeping offenders within the community is valuable.

Prisoners' Aid and Rehabilitation Society

The national office of the society has a close liaison with the department and all branches and sub-branches of the organisation work in co-operation with the Probation Service and penal institutions. A grant of \$40,000 was made from Vote: Justice to the work of the society during the year under review.

The efforts of this organisation are directed to the assistance of probationers, inmates of penal institutions, ex-inmates, and dependants. The effort is directed in several ways: prison visiting by over 300 volunteers throughout the country; family visiting by small groups of women visitors; material aid in many different forms; the furnishing, maintenance, and supervision of houses provided by the department for the accommodation of relatives visiting Waikune, Wi Tako, Ohura, and Tongariro Prisons; the supervision and staffing of four post-release hostels on behalf of the department and one post-release hostel on behalf of St. James' Church, Auckland. The society is represented in over 30 centres in New Zealand which means that assistance can be given in almost any area in the country.

A training programme has been maintained during the year for prison and family visitors with a national seminar and several regional seminars. These have all been designed to better equip the visitor in either the institution or family setting.

Again we record our indebtedness to all members of the society.

Marriage Guidance

The past year has seen significant innovations on the counselling side. Two advanced courses for counsellors with long service were arranged and 2 supervisors' seminars, catering for 40 supervisors in all, were held. These courses are an indication that training methods are constantly evolving and there is a need for refresher courses as well as an adequate training scheme for those newly entering this field of social work.

Marriage guidance cases rose from 4,593 in 1972 to 4,932 in 1973 and the number of counsellors working increased from 143 to 172. On the education side there has been an upgrading of selection and accreditation procedures for tutors. It is hoped that eventually tutor training will be provided at national level to help smaller councils who cannot undertake such training programmes themselves. There has been a continuing expansion of education work in terms of the number and variety of courses run.

Local councils are now submitting detailed statistical reports on case-work which should provide more accurate information on the volume of work, the nature of problems being presented, and the type of outcome. This type of information is essential not only for the overall administration of the Marriage Guidance Service but also for research purposes. The national executive hopes that this information will suggest directions for future extensions of counselling work and will also provide the basis for changes of emphasis in training methods.

To meet the increasing cost of the Marriage Guidance Service the grant was increased to \$85,000. The department also meets the administrative cost of the conciliation services provided by marriage guidance counsellors and the counsellor training scheme.

LAW REFORM AND LEGISLATION

During the year several important aspects of law which come within the department's field of responsibility have been the subject of review.

The first is the liquor licensing legislation, for which a Royal Commission was appointed in July 1973 under the chairmanship of Mr A. A. Coates, S.M. The commission's terms of reference are sufficiently wide to cover most aspects of what is often referred to simply as the liquor question, and its report is expected before the end of 1974.

Second, the review by the Statutes Revision Committee of Parliament of the Police Offences Act 1927 proceeded during the year and the committee has heard many and lengthy submissions on possible changes in this branch of the law. The committee's report is being drafted.

Third, a special committee has been set up to review the court structure in New Zealand, under the chairmanship of the Hon. Mr Justice Speight. This follows concern expressed by the Judges at the increasing burden of criminal cases falling to be tried in the Supreme Court. One of the proposals that the committee will be looking at is for a new court, intermediate between the Supreme Court and the Magistrate's Court, to deal with the less serious criminal matters requiring jury trial. The committee will also be considering the domestic jurisdiction of the Supreme Court and, in particular, the suggestion that a special family court be established to handle cases of this kind. The subject-matter of this inquiry is an illustration of the importance of the procedure and machinery of the law, no less than its substance.

The Government has announced that it intends to carry out a complete revision of the company law in the light of the committee's report of the Special Committee on the Companies Act under the chairmanship of the Hon. Mr Justice Macarthur, and preliminary work on this task has already commenced within the department. Allied to this is a study by an inter-departmental committee of the legislation governing insurance companies. Principally this involves the Accident Insurance Companies Act 1908, the Life Insurance Act 1908, the Insurance Companies Deposits Act 1953, the Mutual Insurance Act 1955, and Part XIII of the Companies Act 1955. Much of this legislation is outdated and inadequate and the aim is to prepare one piece of legislation dealing with all aspects of insurance companies.

Finally, we have begun preparing background material to assist the Select Committee that is to have the task of revising the Electoral Act. In a Parliamentary democracy such as ours this Act is clearly of considerable importance and a comprehensive review of it is therefore a matter of some moment.

Of the legislation sponsored by the department during the year perhaps the most esoteric was the Admiralty Act, which followed in almost all respects the report of a committee under the chairmanship of the Hon. Mr Justice Beattie, and provides for an up-to-date, simplified, and clarified statement of this specialised branch of the law. Considering New Zealand's dependence on shipping it is surely remarkable that this is the first time legislation on this topic has been enacted by the New Zealand Parliament.

The bills to regulate the activities of syndicates and the bill amending the Summary Proceedings Act, both mentioned in my last report, were enacted at the end of the year under the titles of the Syndicates Act 1973 and the Summary Proceedings Amendment Act 1973.

COMMERCIAL AFFAIRS DIVISION

Substantial progress has been made in establishing the new division. Including transfers from the Courts and Land and Deeds Divisions, over 100 officers are now employed in this division. The divisional director and senior executive officer have taken up their positions and a divisional investigating accountant will be appointed shortly.

While some local functions must remain, a policy of regional concentration is being implemented with offices already opened in Auckland, Hamilton, Wellington, Christchurch, and Dunedin. Napier will follow shortly. Consideration will be given to the functions of companies and official assignees' offices situated elsewhere because land registries and courts cannot be expected to provide the same expertise as the separate Commercial Affairs offices. Commercial Affairs work in those areas is much smaller in bulk but no less important and care must be had to see that the standards do not suffer.

Systematic staff training in both company and bankruptcy work has hitherto been inadequate. This is being remedied but it will be some time before the full benefits become reflected in staff performance. In the past, the lack of career opportunity in either field severely limited the will of officers to progress. I am confident that this problem will disappear now that a promotion stream is readily available.

A thorough analysis of registration and work flow systems began last August is already producing recommendations which will first be implemented in the Auckland office. This analysis was long overdue and the implementation of the recommendations will need patience from both staff and public. The records system in the Auckland office was almost breaking down under a welter of paper and atrocious working conditions, and indeed without the devoted efforts of the staff would have collapsed. The staff of the records section has been reinforced and will be further strengthened when the new systems are introduced in new accommodation.

Companies Amendment Act 1973

This Act changed the registrar's responsibility from one of passive acceptance of what was placed before him to one of positive policing of the Act. It vested the administration of the Act in the registrar; gave him substantial powers of inspection and rejection and effective fines for late filing. No matter what the revised Act brings I am sure that it will have less effect on companies offices than the 1973 amendment.

Prosecutions

During the year the registrar swore out over 300 complaints against defaulting companies and their officers. While most of the complaints were made because of breaches of filing requirements, the figure can be compared with the total of 10 complaints sworn in 1972. Two finance houses were prosecuted for breaches of the prospectus provisions of the Act in that they advertised for funds in a manner prohibited by the Act. The registrar has queried advertisements which were apparently in breach of the Syndicates Act 1973 but, as yet, prosecutions have not been warranted.

Company Formation

A spectacular rise in new company registrations caused problems for the larger registries. The registration of new companies rose by over 35 percent and new charges by 18 percent. While those increases levelled during February and March, all registries have experienced a rush of searching and filing as the date (1 April) for default fines approached. The notification of liquidations and receiverships to the registrar dropped during this year but, in February and March, receiverships had swung back to 1972 levels.

Bankruptcies

There were fewer new bankruptcies during 1973 than for any other year in the last decade. This came as a relief to official assignees whose capacity to cope had been stretched to the utmost. The recent upsurge in company receiverships must be treated as an early warning that we cannot be complacent. During the increases of 1967-69, when company failures proliferated, the adequacy of our administration was suspect, with insufficiently experienced personnel struggling to keep abreast. One of the advantages of a fully developed Commercial Affairs Division will be that more staff will be available for cross training on their work. When companies thrive bankruptcies drop; when company registration falters bankruptcies rise. Economic swings will no doubt continue to be reflected in this pattern.

Registration Statistics

	31 March				
	1970	1971	1972	1973	1974
New companies	6,469	6,191	5,721	5,374	8,857
Total documents	191,376	188,215	205,660	229,362	277,682
Registration fees	\$ 312,225	\$ 316,759	\$ 301,493	\$ 346,354	\$ 438,758
Annual licence fees	1,102,231	1,156,134	1,208,523	1,281,332	1,402,182
Total fees	1,414,456	1,472,893	1,510,016	1,627,686	1,840,940

REGISTRAR-GENERAL'S DIVISION

Registration Branch

The following table shows the trends in birth, death, and marriage registrations over a 10-year period:

Year	Births	Deaths	Marriages by Licences Issued	Marriages by Registrars	Percent	Total Marriages
1963 ..	64,675	22,416	15,946	3,910	(19.69)	19,856
1968 ..	62,284	24,464	19,729	4,328	(17.99)	24,057
1973 ..	60,727	25,315	Not available			26,274

Changing attitudes within the community have created a more urgent need to provide wider facilities for civil marriages. The aim is to cater for those who do not desire a religious ceremony but wish to be married at times when the registrars' offices are closed, but short of compelling registrars to work much longer hours this is not quite as simple as it seems.

The figures below show re-registrations of ex-nuptial births under section 19A following the intermarriage of the parents, re-registrations of births consequent upon an adoption order, deeds poll registered for changes of names and applications approved under section 14 for the registration of births not previously registered. Most applications under section 14 are from older persons whose births were not registered at the time and who have not, until now, had any need to produce birth certificates. With more people requiring passports, and more requests for verification of age, this form of late registration is constantly being availed of. Provided supporting evidence is available, a late registration can always be effected.

	Section 19A	Adoptions	Deeds Poll	Section 14
1963	806	2,843	254	187
1968	1,210	3,780	1,000	223
1973	1,349	3,451	1,595	327

The number of certificates issued continues to increase. This reflects the growing interest in genealogy and also the greater demand made for certificates for verification purposes. We are taking action to give better service both for registration and for the production of certificates.

Electoral Branch

During 1973 the Government approved a proposal that the electoral rolls, for compilation and maintenance purposes, be converted to a computer process. The first stage is almost complete. Although the initial cost of conversion is substantial, the continuing cost of maintaining accurate electoral rolls will be much reduced.

A select committee of the House has been set up to consider possible amendments to the Electoral Act. This committee has not yet sat but many areas of electoral procedures call for investigation so as to ensure that the basic principles that all eligible electors are enrolled and later provided with full facilities to vote at a General Election are realised as fully as possible.

PATENTS DIVISION

As required by statute the Commissioner of Patents submits his report for the period 1 April 1973 to 31 March 1974. The following table provides a comparison of the figures for patents, designs, and trade marks, together with the total fees for each category, over the last 3 years.

	1971-72: Ended 31 March 1972		1972-73: Ended 31 March 1973		1973-74: Ended 31 March 1974	
	Applica- tions	Fees	Applica- tions	Fees	Applica- tions	Fees
Patents	3,497	\$ 164,116	3,518	\$ 171,018	3,566	\$ 176,936
Designs	468	4,259	343	3,230	369	3,542
Trade marks	3,593	84,772	3,515	82,361	4,041	87,814
Totals	7,558	253,147	7,376	256,609	7,976	268,292

The expenditure for the year was \$409,806 of which salaries totalled \$355,581. The staff employed at 31 March 1974, was 55 as compared with 60 at 31 March 1973.

Patents

The 3,566 applications for the grant of letters patent originated in the following countries: New Zealand, 953; United States, 808; Great Britain, 589; Australia, 316; Germany, 211; Switzerland, 153; France, 100; Japan, 92; Canada, 59; The Netherlands, 56; and the balance of 229 from 28 other countries.

The technical content fell into the following categories:

Applications covered a wide range and included video recording discs; data processing; picture tube colour correction in colour television receivers; electrolytic aluminium production; a wide range of pharmaceutical compositions, particularly antibiotics; pollution control, particularly sewage treatment and biodegradents for plastics; herbicidal and pesticidal compositions; improvements to milking machines and agricultural implements; mechanical carcass handling; building components and methods such as roof and wall claddings, prefabricated panels, concrete formwork and reinforcing, and nail plates and other timber connectors; solar water heaters; packaging materials and methods including container construction and handling; slide fasteners; food products such as meat substitutes and milk-based foodstuffs; drilling and prospecting, especially underwater; pneumatic tyres which can be run when deflated; motors (especially rotary) and fuel supply thereto; and vehicle couplings, particularly for tractors.

During the year 2,643 applications proceeded to acceptance after search and examination, and letters patent were sealed on 2,628 applications. Thirteen oppositions against the grant, or applications for the revocation of patents were filed.

The delay encountered by applicants for patents before receiving the examiner's report is now shorter than at any time during the last 25 years, but this hard-won position cannot be maintained unless our recruiting ability improves markedly. There is at present a 30 percent depletion of the patent examining staff.

Trade Marks

The 4,041 applications for the registration of trade marks were received from the following countries in the numbers indicated: New Zealand, 1,352; United States, 969; Great Britain, 643; Australia, 331; Germany, 169; Japan, 129; France, 102; Switzerland, 85; Italy, 73; Netherlands, 38; Sweden, 33; Canada, 28; Spain, 16; and the balance of 73 from 21 other countries.

After search and examination 2,648 applications were accepted, 1,823 were registered, and 2,530 existing registrations were renewed. There is at present a delay of 7 months before applications receive attention and efforts to reduce this time by the application of more staff and overtime has been thwarted by further increases in work. The office has been called upon to issue a large number of certificates confirming local registration in support of applications being made to the

recently established Trade Marks Office in Western Samoa, and there has been a further increase in the number of registrations being sought in this country.

During the year 360 searches were made for the Companies Office in respect of the names of new companies seeking registration. Thirty-one oppositions were filed against applications to register marks and 19 applications for rectification of the register.

General

Printed copies of published patent specifications are not available on demand for purchase by the public and a speedier copying system is needed here and in other public search areas of the Patents, Designs, and Trade Marks Office. Microfiche equipment is in my view necessary to meet these difficulties and to solve future storage problems which are of particular concern to patent administrations. There is also a need for improved public index facilities but progress in these directions is impeded by insufficient and scattered accommodation which causes public inconvenience and organisational difficulties.

Since the last report I attended a joint meeting of the Institutes of Patent Attorneys of Australia and New Zealand at which informative discussions were held. It was apparent that there is an increasing need for the smaller nations to take part in international industrial property meetings to ensure recognition of their problems in international arrangements. Subsequently the Australian Commissioner, Mr K. B. Petersson and his Principal Assistant Registrar of Trade Marks, Mr T. Ashton, visited our office where valuable consultations occurred, and this was followed by my visit to Canberra where I was afforded generous facilities to observe the advanced techniques, procedures, and equipment in use there.

Those needing professional assistance to pursue industrial property right applications would be well advised to employ patent attorneys. There is a sustained interest in acquiring admission to the profession and the annual qualifying examination last August attracted 18 candidates and a further 19 candidates seek examination in the next examination in May. The number of attorneys now on the register is 27.

Recently it has been necessary to use newspaper publicity to inform the public of some of the penal provisions of the Patents, Designs, and Trade Marks Acts. This was due to an increase in unauthorised overseas applications for patent rights in respect of matter which might be relevant to defence, and because of unjustified claims to the possession of industrial property monopolies.

FINANCE

Excluding electoral costs and receipts excess of expenditure over revenue was \$10,680,914. Capital expenditure and maintenance of penal institutions and courthouses previously charged to Vote: Works appear in Vote: Justice for the first time. The department budgeted for a net expenditure of \$12,777,000. Consolidated Fund and Works and Trading Account were underspent \$4,842 and \$897,533 respectively while receipts exceeded the estimates by \$1,193,711. The increase of net expenditure compared with the year ended 31 March 1973 was \$5,019,812 mainly as a result of increased salaries and wages and expenditure previously charged to Vote: Works.

Excess revenue over the estimates was mainly in court fines and fees, land transfer fees, and revenue from penal industrial activities.

Details of the department's operations (excluding electoral) during the 1973-74 financial year are:

	Expenditure	Revenue	Deficit
	\$	\$	\$
Consolidated Fund	23,792,158	16,213,711	7,578,447
Works and Trading Account	3,102,467	..	3,102,467
	<u>\$26,894,625</u>	<u>\$16,213,711</u>	<u>\$10,680,914</u>

E. A. ~~MISSSEN~~, Secretary for Justice.

APPENDIX I

PENAL STATISTICS FOR THE YEAR ENDED 31 DECEMBER 1973

The following summary of receptions shows the totals for each of the past 5 years.

Table A: Summary of Receptions

	1969			1970			1971		
	M.	F.	T.	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers)	7,776	448	8,224	9,158	635	9,793	10,559	678	11,237
Individual persons	3,766	174	3,940	4,602	259	4,861	5,406	289	5,695

	1972			1973		
	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers)	10,113	683	10,796	9,462	510	9,972
Individual persons	5,191	310	5,501	4,776	214	4,990

Ratio of Prisoners to the Mean Population

(Calculated from "distinct prisoners received")

The ratio of prisoners to each 10,000 of the mean population is here shown for the years mentioned:

1890	38.61
1914 (beginning of World War I)	31.05
1918 (last year of war)	15.42
1928 (boom period)	17.37
1931 (depression)	21.17
1939 (beginning of World War II)	15.38
1945 (last year of war)	12.13
1968	15.71*
1969	14.17*
1970	17.24*
1971	19.88
1972	18.70
1973	16.75

*Ratios altered by re-estimates of population after 1971 census.

Tables B, C, D, and E which follow are in respect of individual persons.

Table B: Nature of Offence

Year	Offences Against the Person		Offences Against Property		Miscellaneous		Totals
	Sexual	Other Offences	Sexual	Other Offences	Miscellaneous	Other Offences	
1968	166	392	1,971	45.6	1,836	42.9	4,925
1969	143	364	1,809	45.9	1,824	41.2	3,940
1970	158*	481*	2,042*	42.0*	2,180*	44.8*	4,861
1971	132	555	2,390	40.9	2,678	47.0	5,695
1972	156	584	2,234	40.6	2,533	46.1	5,501
1973	188	685	1,808	36.2	2,290	46.3	4,990

Table C: Length of Sentence

Term of Sentence	Number of Prisoners				
	1968	1970	1971	1972	1973
Imprisonment of—					
Under 1 month	718	956*	1,224	1,020	933
One month and under 3 months	642	982*	892	1,010	803
Three months and under 6 months	379	499*	539	495	490
Six months and under 12 months	616	614*	797	704	700
One year and under 3 years	479	576*	670	714	641
Three years and under 5 years	85	95	94	133	109
Five years and over (excluding life)	11	16	23	46	23
Life	2	6	3	813	10
Borstal training	609	764	889	889	719
Detention in detention centre	397	442*	558	563	561
Preventive detention	2	1*	4	..	1
Totals	3,940	4,861	5,695	5,501	4,990

Table D: Nationality of Prisoners

Year	New Zealand-born (excluding Maoris)	Maoris	British and Foreign	Total
1968	2,217	1,492	616	4,325
1969	2,095	1,431	494	3,940
1970	2,407*	1,822*	632*	4,861
1971	2,732	2,300	663	5,695
1972	2,705	2,160	636	5,501
1973	2,440	1,965	585	4,990

Table E: Age of Prisoners

Age Group	1968	1970	1971	1972	1973
Under 20	1,223	1,540*	1,941	1,829	1,736
20-24	1,084	1,481*	1,724	1,555	1,405
25-29	499	600*	701	702	667
30-39	579	640*	719	732	686
40 and upwards	555	600*	710	683	546
Totals	3,940	4,861	5,695	5,501	4,990

* Figures for 1970 have been amended.

Table F: Prisoners—General Summary 1973

Name of Prison	Prisoners Received, Discharged, etc.								Greatest Number in Prison at One Time		Least Number in Prison at One Time		Daily Average Number of Prisoners	
	Number of Persons at Beginning of Year		Number Received During Year		Number Discharged or Transferred During Year		Number in Prison at End of Year		M.	F.	M.	F.	M.	F.
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Arohata (women's reformatory)	..	3	..	102	..	93	..	12	..	12	..	28	..	4
Arohata (women's borstal)	..	61	..	61	..	83	..	39	..	61	..	28	..	42
Auckland	..	163	..	281	..	265	..	179	..	190	..	147	..	165
Christchurch ¹	..	352	..	1,308	..	57	..	315	..	9	..	235	..	3
Dunedin (women's borstal)
Dunedin (women's prison)	..	30	..	60	..	66	..	24	..	37	..	24	..	29
Invercargill	..	1	..	61	..	58	..	4	..	12	..	1	..	4
Invercargill (borstal institution)	..	168	..	266	..	259	..	175	..	182	..	147	..	161
Kaitoke (youth centre)	..	21	..	31	..	34	..	18	..	25	..	13	..	20
Mount Eden	..	386	..	3,592	..	243	..	410	..	442	..	341	..	393
Napier	..	29	..	710	..	691	..	48	..	63	..	23	..	43
New Plymouth	..	54	..	258	..	1	..	51	..	73	..	46	..	59
Ohura	..	21	..	74	..	62	..	33	..	39	..	20	..	28
Rolleston	142	..	84	..	58	..	72	..	56	..	63
Rolleston (detention centre)	..	28	..	166	..	174	..	20	..	38	..	18	..	29
Tongariro (prison farm detention centre)	..	17	..	272	..	222	..	67	..	74	..	15	..	33
Tongariro (prison farm)	..	160	..	469	..	460	..	169	..	225	..	147	..	192
Waikeria (reformatory)	..	10	..	199	..	165	..	44	..	44	..	9	..	22
Waikeria (borstal institution)	..	428	..	436	..	476	..	388	..	428	..	350	..	389
Waikeria (detention centre)	..	60	..	423	..	470	..	13	..	63	..	4	..	34
Waikune (Erua)	..	83	..	189	..	191	..	81	..	114	..	77	..	88
Waipiata (youth centre)	..	69	..	79	..	95	..	53	..	69	..	37	..	50
Wanganui	..	47	..	246	..	244	..	49	..	60	..	41	..	47
Wellington	..	154	..	1,272	..	1,274	..	152	..	172	..	125	..	149
Wi Tako (Trentham)	..	141	..	241	..	246	..	136	..	163	..	122	..	144
Minor prisons and police jails	..	17	..	1,669	..	30	..	7	..	52	..	3	..	4
Police lock-ups ²	118	..	6	..	..	..	..	..	..	..	..
Totals	2,409	110	12,502	566	12,441	579	2,470	97	2,915	145	1,978	57	2,402	91

¹Comprises Paparua and Addington Prisons.

²Deemed to be prisons under the provisions of section 17 of the Statute Law Amendment Act 1917. Comprises only prisoners who served a complete sentence.

³Includes acquitted after remand, transfers to another prison, etc., discharged on expiration or remission of sentence, debtors and mental defectives discharged, and released on bail, probation, or handed to police, etc.

APPENDIX II

PROBATION STATISTICS FOR THE YEAR 1973

(a) Number of persons released on probation over the past 5 years:

Year	Males	Females	Total
1969 ..	3,256	538	3,794
1970 ..	3,387	675	4,062
1971 ..	3,616	658	4,274
1972 ..	3,916	771	4,687
1973 ..	4,510	801	5,311

(b) Probationers who committed breaches or fresh offences during the year ended 31 December 1973:

	Male	Female	Total
Breaches (section 10, Criminal Justice Act 1954) ..	564	128	692
Committed further offences ..	435	46	481
Absconders ..	82	22	104

(c) Ages and terms of probation of the offenders released on probation during 1973:

Year	1		15		16		18		20		21		2		2½		3		Totals	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
Under 17 ..	331	44	44	..	..	250	35	..	..	..	146	31	1	..	14	3	786	113		
17-18 ..	377	86	36	2	3	275	49	..	..	..	122	36	1	..	7	1	821	174		
18-20 ..	479	89	43	4	3	339	66	1	..	..	170	42	3	..	7	2	1,045	203		
20-25 ..	456	70	47	1	2	302	51	..	..	..	193	30	2	..	14	2	1,016	154		
25-30 ..	161	33	13	..	..	100	19	..	..	..	69	18	..	..	6	2	349	72		
30-40 ..	137	27	9	1	..	73	12	..	..	1	71	7	..	..	11	2	302	49		
40-50 ..	65	19	6	1	1	35	4	..	..	..	20	3	..	..	5	..	132	27		
50-60 ..	22	5	1	..	..	7	3	..	..	..	7	1	..	..	5	..	42	9		
60-70 ..	6	..	..	..	..	6	..	..	..	..	2	..	..	..	1	..	15	..		
70 and over ..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	2	..		
Totals ..	2,035	373	199	9	9	1,388	239	1	..	1	800	168	7	..	70	12	4,510	801		

(d) Summary of cases dealt with in 1973:

	Released on Probation		Total
	Males	Females	
Number reporting 1 January 1973 ..	4,880	957	5,837
Released on probation during year ..	4,510	801	5,311
Totals ..	9,390	1,758	11,148
Completed probation during the year ..	3,391	701	4,092
Resentenced on original charge ..	14	2	16
Committed further offences ..	435	46	481
Left New Zealand ..	3	1	4
Absconded not found ..	82	22	104
Deceased ..	26	5	31
Discharged by court ..	87	28	115
Totals ..	4,038	805	4,843
Number reporting as at 31 December 1973 ..	5,352	953	6,305

(e) Financial disbursement year ended 1973:

	\$
Restitution ..	177,372.30
Fines and costs ..	368,226.33
Unofficial money ..	342,472.12
Total ..	\$888,070.75

(f) Pre-sentence reports during the year 1973:

Supreme Court	Magistrate's Courts	Children's Court	Total
453	11,634	987	13,074

APPENDIX III

(a) Parole

	Male	Female	Total
Number reporting 1 January 1973 ..	1,989	100	2,089
Released on parole ..	2,151	119	2,270
Totals ..	4,140	219	4,359
Completed parole during 1973 ..	1,751	94	1,845
Committed further offences ..	355	15	370
Recalled under section 36 (Criminal Justice Act 1954) ..	19	3	22
Left New Zealand ..	8	1	9
Absconded not found ..	58	6	64
Deceased ..	13	..	13
Discharged by parole board ..	5	..	5
Totals ..	2,209	119	2,328
Number reporting as at 31 December 1973 ..	1,931	100	2,031

(b) Probationers who have committed breaches of probation during the year ended 31 December 1973:

Breaches (section 39, Criminal Justice Act 1954) ..	254 males
	22 females
Total ..	276

APPENDIX IV

(a) Periodic detention statistics for the year ended 31 December 1973:

	Residential	Non-residential	Total
Number reporting 1 January 1973	151	485	636
Sentenced to periodic detention	524	1,626	2,150
Totals	675	2,111	2,786
Term expired during 1973	389	1,173	1,562
Committed further offences	86	145	231
Absconded	30	45	75
Deceased .. ..	..	1	1
Discharged by court	8	22	30
Totals	513	1,386	1,899
Number reporting as at 31 December 1973	162	725	887

(b) Periodic detainees who committed breaches of their orders for the year ended 31 December 1973:

Breaches (section 21 (i) (a), Criminal Justice Act 1954) ..	159 Residential	342 Non-residential
Total	501	

APPENDIX V

Court of Appeal

Criminal—

	No. Filed	No. Allowed	No. Dismissed
Appeals against conviction	33	3	31
Appeals against conviction and sentence	29	7	40
Appeals against sentence	56	9	59
Cases stated	4	2	1

Civil—

	No. Filed	No. Heard
Appeals or cases stated	116	71
No. of sitting days	154	

Supreme Court

	1969	1970	1971	1972	1973
Writs	2,934	3,312	3,818	3,871	3,702
Divorce petitions	4,115	3,801	4,083	4,273	4,746
Probate applications	15,018	15,554	15,269	15,652	16,049
Chattel securities registered	26,296	29,300	26,226	34,234	30,510
Criminal trials	435	453	505	535	466
Committals for sentence	115	121	112	157	54

Magistrates' Courts

Civil—

	1969	1970	1971	1972	1973
Plaints	117,981	114,953	121,176	129,279	114,138
Judgment summonses	33,321	29,505	28,822	28,661	25,580
Warrants	40,849	40,587	40,292	41,660	37,794
Totals	192,151	185,045	190,290	199,600	177,512

Criminal—

	1969	1970	1971	1972	1973
(Including traffic offences)	298,363	300,775	316,735	317,172	363,085
Traffic offences	185,713	182,445	196,902	180,487	223,697

	1970	1971	1972	1973
Total revenue	\$4,443,538	\$5,504,775	\$6,224,645	\$7,822,600
Total number of fines imposed	189,516	210,349	199,688	228,222
Total amount of fines imposed .. ..	..	\$4,584,907	\$6,783,752	\$8,025,594
Total number of fines remitted	4,964	4,369	5,217	4,168
Total amount of fines remitted	\$110,512	\$103,906	\$158,399	\$169,395
Total number of fines in respect of which warrants of committal were issued and defendants imprisoned	4,023	3,608	4,308	3,542
Total amount of fines in respect of which warrants of committal were issued and defendants imprisoned	\$172,555	\$196,609	\$228,081	\$222,790
Total number of fines in respect of which warrants were issued to enforce payment	59,256	59,035	62,276	72,548

Domestic Proceedings—

Applications	10,717	10,730	9,615	9,661
--------------------	--------	--------	-------	-------

Bankruptcy and Company Liquidations

	1968	1969	1970	1971	1972	1973
Bankruptcies	758	590	534	401	467	252
Company liquidations ordered by court	77	56	68	75	72	75