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REPORT ACQUISITIONS
OF THE
DEPARTMENT
OF JUSTICE
FOR THE YEAR ENDED
31 MARCH 1979

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

BY AUTHORITY:
ASSELBERG, GOVERNMENT PRINTER, WELLINGTON, NEW ZEALAND--1979

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FOREWORD

The report of the Department of Justice for the year ended 31 March 1979 is the report of a diverse Department of State; a department that has wide and important responsibilities in areas varying from the courts, probation service, and prisons on the one hand to commercial affairs, patents, and land registration on the other.

It is a report that touches upon many areas of real public concern; such as the criminal justice system. In addition to providing a factual record of the department's work for the year, the document contains much that is stimulating and thought-provoking and it is my hope that it will promote a greater understanding of the department's objectives and how it is attempting to achieve them.

J. K. McLAY, Minister of Justice.

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REFLECTIONS AND PROSPECTS

Arriving as Secretary for Justice in the latter part of February 1979 means in effect that this report reflects the administration of the previous permanent head, Mr Gordon Orr, who left the department before the end of 1978 to take a chair in the law faculty of Victoria University.

Other than for problems related to the General Election, the last year has been characterised in the main by increasing pressures on staff as they take up, in certain areas, heavier work loads resulting from new business and the effect of the "sinking lid" formula on staff ceilings. The most significant event, the publication of the Report of the Royal Commission on the Courts, will no doubt in time have a profound effect on the country's court system. The forthcoming year should see significant progress in implementation. However, many of the proposals are of considerable complexity and call for studied deliberation. In the meantime we must do our best with existing resources and facilities to maintain an acceptable level of efficiency in the court system which is under heavy pressure.

Notable during the year was the continuing drop in the prison population of male inmates. This movement, however, has not been noticed amongst women inmates, the reverse, unfortunately, being the case with the consequent aggravation of the unsatisfactory conditions of such institutions as the Mt. Eden Women's Prison. Proposals to relieve this unsatisfactory situation are being considered now. Amongst male inmates there would appear, as a possible consequence of the reduction of overcrowding, to have been an improvement in morale, this being reflected in the small reduction in prison escapes during the year. The staff situation has also been eased as a consequence of this reduction in inmate numbers, with the result that numbers are now satisfactory. The need, however, to maintain conditions of work and pay, which keep the position of officers competitive with positions both inside and outside the service, and which should assist in relieving officers of the burden of temptation, is to be stressed. The department's policy of binding offenders more closely to the community, even when placed in penal institutions, is reflected in the increase in numbers of those given work parole and home parole during the year, and in the community activities engaged in increasingly by the inmates of our various borstal institutions. Arrangements such as these, whilst necessarily limited in scope make good economic sense as well as providing an incentive to successful rehabilitation.

The reduction in the male prison population is welcomed although the factors which may have influenced this position are not immediately apparent. Unfortunately, a reduction in the overall volume of crime does not appear to have been a contributing reason. In virtually all other forms of sentencing there has been an increase in numbers dealt with. This is most notably true of probation and periodic detention although the musters for both levelled off towards the end of the year under review. The increased workload of the staff is noted and it is particularly satisfactory to observe in the light of this fact the manner in which members of the probation service have responded to their situation. A particularly significant consequence of recent social trends within the country is the increasing number of unemployed offenders on probation. The probation service has responded to this problem in a positive manner by means of a number of programmes aimed at assisting these persons to find employment. It is also evident that changing offending patterns are altering the nature of periodic detention. Residential periodic detention's viability as a sentencing option is coming increasingly under pressure. Its survival in the future must obviously be the subject of careful consideration.

Fines continue to play an increasing role as a sentencing option and the strain which collecting them places on the court staff has emphasised the need to implement the Wanganui Computer System to assist in this activity. The fine is by far the most used sanction in the criminal justice process. Recent overseas studies show that fines are followed by fewer reconvictions than other penal methods. However, there is no doubt that all monetary penalties must be enforced if they are to be effective. Vigorous enforcement must, though, be tempered with careful judgment and flexibility in approach. Once the court has determined that a fine is the appropriate sanction then every endeavour should be made to see that the court's decision is observed. The resort to imprisonment should be reserved for those who are contumacious. If, for no other reason, this too makes good economic sense. I believe that court officers are assiduous in fulfilling their statutory responsibilities but the need for some form of electronic aid to assist with the mechanics of the work is clearly evident.

Looking generally at our penal policy as reflected in the various sanctions available to the courts and the other processes related to those sanctions I am concerned that we have so little knowledge of the effectiveness of the total policy. I am anxious that we set up a programme of evaluation which must include an assessment of the effectiveness of individual sanctions measured by tests such as recidivism and economy.

Although there has been an increasing load of casework at the Supreme Court level, that in the Magistrates' Court has remained fairly constant. Nevertheless, the stress on staff has been sufficiently severe for many partially trained junior officers with potential to move out of, and consequently be lost to, the department.

Both the Patents and Land and Deeds Divisions have dealt with an increased amount of work to be processed, with the resultant strain on staff resources.

The parliamentary election held in 1978 has given rise to considerable public controversy as to the state of the rolls. This controversy has in no way been allayed by the appeals against the results in Hunua and Kapiti, and the setting up of a Committee of Inquiry is to be welcomed.

With the passing of the Securities Act in 1978 and the naming of the membership of the Securities Commission, the Commercial Affairs Division was able to see the successful termination of a major improvement in the legal control of business and particularly loan practices. The lender of finance to either private or public organisations now has reasonable legal protection if not against his own folly, at least against the exploitation of his ignorance. The increasing amount of work in the area of insolvency, together with the increase in the number of companies being registered, has also led to the normal need for more staff with the appropriate qualifications.

As to the management of the department, I intend to implement a system designed to provide development and review facilities. It is in my view essential for good management, for efficiency, effectiveness, and economy, to have a system of on-going analysis and review which can be co-ordinated into a total management plan.

This will require some reorganisation in the structure of the department and I have already received the concurrence of the State Services Commission to this. A central feature of this rearrangement is the establishment of an executive committee as a corporate management group. This committee comprises myself and the deputy secretaries together with the various divisional heads.

THE CRIMINAL JUSTICE SYSTEM: A SOCIAL PROBLEM?

The presidential address for the criminology and forensic science section of the 49th congress of ANZAAS held in Auckland in January was delivered by Professor Louk Hulsman, Professor of Criminology, Erasmus University, The Netherlands. The title of Professor Hulsman's address was "Repeal of the Criminal Law" and he argued the extreme proposition that the criminal justice system is as much a social problem as crime itself.

It is difficult to capture in a few paragraphs the thrust of an argument given in an address compiled from years of research and experience of criminal justice systems, and of reflection upon their place in modern society. That the eminent professor's views are worthy of careful consideration is evident from the present mood of dissatisfaction among sections of the community, at the present system's ability, despite its ever increasing cost, to protect citizens from the predations of criminals.

The central argument of Hulsman's thesis is what he refers to as the "transformation of reality". This simply means that instead of methods being devised to deal with matters directly, the situation in question is changed to allow existing methods to be used. Hulsman illustrated this problem by reference to the criminal justice system's response to domestic violence.

The system according to this view is a social problem because it does not deal directly with the matter of domestic violence but instead deals with a series of other matters which arise from it but which become increasingly removed from the original incident.

Should the Police be called in such an event they must decide how best to resolve the situation and to establish whether or not there has been a breach of law. If it is considered necessary to make an arrest they must presumably consider the evidence to justify such action and to sustain a prosecution, whether the complainant is likely, or has on previous occasions refused to co-operate with the preparation of the case for the prosecution, and so on.

The reality which Hulsman argued is "transformed" in such cases is a dispute within a domestic situation. It has now become a dispute between one member of the situation and the Police. Should prosecution proceed and conviction follow, matters of court procedure and sentencing provisions become the main concern.

Hulsman argued that the matter of domestic violence has been "transformed" or "reconstructed" into forms in which the various agencies involved can deal with it. He argued further that the priorities of these various parts of the criminal justice system and their deliberations upon the "reconstructed" situations, whilst undoubtedly efficiently discharged, preclude dealing with the matter of domestic violence directly. In this sense nothing has been done about that.

If the process Hulsman outlined occurs, and there can be no denying that it does, a number of questions need to be considered.

But first it is appropriate to consider a distinction made by Hulsman. He distinguishes between those who have had direct experience of the criminal justice system as offenders, victims, witnesses, or employees, and those who have not and whose experience is therefore indirect. It is Hulsman's view that the latter group form their opinions of the criminal justice system from those aspects of it presented to them by the media.

The accuracy of this presentation by the media aside, it follows from Hulsman's analysis that expressions of concern by the public are in response to the criminal justice system's effectiveness as presented by the

media in dealing with "reconstructed" or "transformed" situations and to the demands and priorities of each of the various agencies involved. It is not therefore surprising that public concern is expressed in the form of calls for more legislation, heavier penalties, and more law enforcement personnel.

It may be helpful to relate Professor Hulsman's argument to the New Zealand criminal justice system by recasting the argument in terms of the prevention of crime and the punishment of offenders. Hulsman's argument can be read to mean that there is a greater concern for punishing offenders than preventing crime.

For many the two are synonymous and Hulsman's criticism simply does not stand. The research of behavioural and other social scientists suggests that the two are not synonymous and that punishment may indicate to individuals and to society as a whole what the courts consider to be unacceptable behaviour but does not teach offenders and potential offenders acceptable ways of behaving. Few would argue that a term of imprisonment would teach a parent convicted of child abuse how to care for children.

That our system is based on the assumption that prevention is synonymous with punishment can perhaps be argued from the range of sentences available to the courts. Notwithstanding the enormous range of behaviour categorised as crimes, the response available to the courts consists primarily of the imposition of variations of custody and supervision, be it in the community or full institutional custody. That our system "transforms" or "reconstructs" situations can perhaps be argued from the ease with which the initial situation, and in particular that of the victim, ceases to be a consideration.

The abbreviated account of an academic's remarks and fleeting reference to some social science research does not constitute even the beginning of a case for the repeal of a fundamental body of law. It does, however, invite our giving critical attention to the expression of similar views and examining with the utmost scrutiny existing methods.

I have referred elsewhere in this report to the need to initiate within the department a management review system to research and review operations and policies and to programme and action activities. This system is based upon a systematic analysis of performance measures. It is against the outcome of such analyses that the validity of Professor Hulsman's thesis can be tested and existing methods will be scrutinised.

LAW REFORM DIVISION

There is almost universal recognition of the need for a systematic examination of a country's laws to ensure that they meet the current needs of the people. Often, however, the various law reform agencies throughout the world, and more importantly the Commonwealth, spend considerable time and money studying the same topic. More perhaps could be achieved with the same resources with co-operation. This theme of mutual co-operation in the administration of justice has been canvassed within the Commonwealth at various meetings held in recent times — at the 1977 meeting of Commonwealth Law Reform Agencies, and at the triennial meetings of Commonwealth Law Ministers. New Zealand has taken part in these meetings. In addition, New Zealand has for a number of years participated with the Australian, and more recently Papua-New Guinea, authorities in the Standing Committee of Attorneys-General. We also contribute to the *Commonwealth Law Bulletin* — published quarterly by the Commonwealth Secretariat — and the *Australia (Interim) Law Reform*

Digest. There are real advantages to be gained in regular participation in Commonwealth initiatives.

Four of the five bills held over from the 1977 session were enacted in 1978. They were the Fencing Act, Massage Parlours Act, Securities Act (introduced as the Securities Advertising Bill), and the Status of Children Amendment Act. The Carriage of Goods Bill, after consideration by the Statutes Revision Committee, was referred to a working party of experts. In the meantime the Bill has been held over to 1979.

The Judicature Amendment Act increased the number of Supreme Court Judges by three. The Penal Institutions Amendment Act gave statutory recognition to the establishment of hostels to facilitate the transition of inmates from the closed regime of a prison to life in a free society. The Private Investigators and Security Guards Amendment Act made provision for separate licences for private investigators and for security guards.

Part II of the Misuse of Drugs Amendment Act is administered by this department. That part empowers and controls the use by enforcement officers of tracking and listening devices and the admissibility of evidence so gained. It also imposes special rules as to bail and gives the Court special powers when sentencing an offender.

The Contraception, Sterilisation and Abortion Amendment Act amended the procedure to enable an abortion to be performed under the Act.

In the commercial field legislation was enacted to enable forestry co-operatives to be established. The Companies Amendment Act made miscellaneous amendments, the principal one being the prohibition of loan fund schemes.

Two bills introduced by the Minister of Justice were held over to the next Parliament. The Family Proceedings Bill reforms the law relating to divorce and the maintenance rights of a spouse and children and other relevant aspects of matrimonial and domestic proceedings. The Contractual Remedies Bill gives effect to the report of the Contracts and Commercial Law Reform Committee on the remedies that should be available for misrepresentation involving a contract and for the repudiation of breach of a contract. The Crimes Amendment Bill (introduced as part of the Misuse of Drugs Bill) was also held over. The Bill prohibits the unlawful sale, possession, or use of listening devices.

COURTS DIVISION

Judicial Officers

Judges

Appointments — The Hon. Mr Justice Bisson; The Hon. Mr Justice Holland; The Hon. Mr Justice Thorp.

Magistrates

Appointments — Mr A. J. Ryan; Mr P. T. Rice; Mr J. R. Aubin; Mr P. R. Skelton; Mr W. H. Reid; Mr N. C. Jaine; Mr J. W. Dalmer; Mr J. W. Imrie.

Retirements — Sir James A. Wicks; Mr E. S. Tuckwell.

Death — I record with regret the death of Mr W. K. L. Dougall, S.M.

It gives me great pleasure to record the knighthood bestowed on Sir James Wicks in the Queen's Birthday Honours. Sir James at the time of his retirement was Senior Magistrate in Wellington and Chairman of the Magistrates' Executive Committee. The honour was a fitting tribute to a distinguished career and the unique jurisdiction of the New Zealand magistracy.

Volume of Business

During the past 2 years there has been little growth in the volume of Magistrate's Court business. Factors which have made it difficult for staff to maintain standards have been the increase in the total number of fines, and the tendency towards longer domestic proceedings hearings.

In the Supreme Court the volume of business has grown steadily in recent years. In particular, the significant growth of mortgagee sales and in admiralty jurisdiction has been a source of concern in courts where, despite a concerted effort by staff, unavoidable delays in processing the work have occurred. The growth in arrears of cases awaiting hearings has also caused problems.

Fines Enforcement

In recent years increasing emphasis has been placed on non-custodial remedies as sanctions for criminal offending. This has led to an increase in the number and value of fines imposed as can be readily demonstrated when we look at the \$3.69 million or 35 percent increase in impositions which has taken place since 1976. During this period there has been a reduction in the number of cases heard.

However, any penalty is only as effective as enforcement action makes it and this is particularly the case where a fine is concerned. During the last few years the effective enforcement of fines has been complicated by a number of factors such as the economic situation and the sheer volume of business. Despite the concerted efforts of staff little headway has been made and the time taken in enforcing fines has tended to increase, leading to some offenders avoiding their liability.

The decision to proceed with an electronic accounting subsystem was seen as a positive move to overcome some of the problems experienced and it is essential that, if staff morale is to be maintained and fines enforcement action returned to a more acceptable level, the introduction of the new system receives top priority.

Staffing

I am concerned that the time may have passed when we can rely on staff loyalty alone without recognising the detrimental effects of the continued pressure on their work. Members of our staff are increasingly moving to other employment, in which they feel there will be less pressure, taking with them valuable experience. Arrears are mounting in some areas and it is becoming increasingly difficult to cope with new functions.

Court Interpreters

I am pleased to say that two permanent court interpreters have been authorised for the Auckland Magistrate's Court. The initial appointments will cater for the Samoan and Rarotongan languages and it is hoped that this service will be extended as, and when, the staff ceiling situation permits. It is appreciated that initially court interpreters will not be required to exercise their particular skills on a full-time basis. Besides acting as interpreters these officers will be required to participate in the full clerical duties of the office.

TRIBUNALS DIVISION

From small beginnings in 1970 the Tribunals Division has grown to the stage where it now services 26 boards, authorities, and committees. Tribunals acquired during the past year include the Deportation Review Tribunal, Milk Appeal Authority, Pharmacy Authority, and Fire Service

Appeal Board. Growth of social legislation designed to ensure the better protection of the rights of the citizen, and new procedures resulting from amending legislation have a continuing impact on the amount of recording and secretarial work this division is required to handle over and above that reflected purely in terms of work volume. The increasing number and frequency of hearings which occur as a result of appeals, applications, and referrals to administrative tribunals, especially in centres with a large population, has resulted in the need to streamline procedures and restructure the division to provide a better public service and achieve more effective use of resources and manpower. To function more effectively along these lines the division has, during the past year, acquired premises in Auckland and Christchurch where permanent boardroom facilities are now available and a secretarial staff is located to co-ordinate sittings and attend hearings.

Many of the various tribunals report separately to you under their own legislation and, therefore, provide their own statistical information. However, in looking at work processed in the division, the following information is of note. Figures for the year to 31 March 1979, with the previous year's figures in parenthesis, are as follows: The total number of appeals, applications, and referrals which were lodged or registered in the division amounted to 2155 (3142). In the same period on 797 (722) hearing days, 2378 (1635) cases were brought to a final disposition. Although the figure of 2155 applications, etc., is a decrease on the previous year's total, it should be noted that the bulk of ancillary licence applications was lodged with the Licensing Control Commission during 1978; a large proportion of these applications did not proceed to a hearing until the year covered in this report. These figures represent the work of both full-time and part-time tribunals.

The increase in business has been especially noticeable in the area of the Licensing Control Commission and in the demands made on the small section servicing the work of the Abortion Supervisory Committee. The diverse and unique nature of some administrative tribunals and the type of information and material they handle in the discreet performance of their functions are increasing the demands for research and the supply of statistical data. This trend is likely to continue, and will in turn be reflected in the need to involve suitably qualified people in the analysis and dissemination of such material over and above those employed in a purely clerical or secretarial capacity. As in other divisions, staff ceilings are imposing restrictions on the ability of the Division to function to the necessary or desirable level. It must be accepted that the business coming before administrative tribunals grows mainly as a result of social changes, and consequently, recourse to the division's facilities is dictated by public demand.

The relationship between officers of the Tribunals Division and the bodies they service is not always properly understood, and needs to be stressed. All the various tribunals and authorities with which the division is associated are independent judicial or regulatory bodies. For departmental officers to attempt to advise or influence them in any way in the exercise of their statutory functions would be completely wrong and improper, and our officers do not do so. In brief, the relation between officers of the Tribunals Division and any particular tribunal is exactly analogous with that between court staff, Judges, and Magistrates.

PENAL DIVISION

Prison and Borstal Population

Once again the male population has dropped significantly to a total of 2547 at the end of March 1979 compared with 2675 at the end of March 1978. At one point during February 1979 the population dropped to 2411 which is the lowest muster figure recorded since February 1975. The group showing the most significant reduction was that comprising young men serving sentences of borstal training (449 for 1978, compared with 514 during 1977 and 634 in 1976).

While it is difficult to identify causes for muster fluctuation the present trend could be a reflection of the courts applying other sanctions, short of custodial sentences. This deduction is reinforced by indications that many inmates being received into a penal institution for the first time have more previous convictions than formerly. If the present downward trend is a result of the use of non-custodial sentences it may prove to be temporary and followed by another upward trend.

The new Wanganui prison commenced receiving remands and medium security adult inmates in May 1978 and this has provided a degree of relief from the overcrowded conditions existing in the major adult medium security institutions. Even so, we have still not reached the state of one inmate, one cell, in accordance with the United Nations Standard Minimum Rules for the Treatment of Offenders. While overcrowding still persists in a few institutions, one in particular, Waipiata Youth Centre, is under-utilised. The future of Waipiata is being carefully considered.

Whilst there was a drop in the male population the female inmate population has continued to rise, from 125 at March 1978 to 140 at the same time this year. The female inmate population has continued to increase gradually during the past few years and at one stage in August 1978 the total female population rose to over 150, which resulted in some overcrowding in female institutions. Conditions at the Mount Eden Women's Prison are poor, even without overcrowding. Frequent overcrowding aggravates already unacceptable conditions.

Links with the Community

In 1978, 406 adult inmates were approved for work parole. Not only is the number lower than the previous year, but the proportion who succeeded in securing suitable employment was even lower. In 1978, 302 inmates commenced work parole (74 percent of those approved) compared with 383 out of 473 in 1977 (81 percent of those approved).

In addition, 145 borstal trainees were approved for work parole, 143 actually securing and commencing suitable employment.

Of the total 445 inmates and borstal trainees engaged in work parole, 157 were transferred to pre-release hostels for varying periods prior to release, easing re-entry into the community and the work force but still retaining some control over their activities.

Money received by way of board from work parolees totalled \$97,081 during the 1978-79 year and \$25,569 was recovered on behalf of the Department of Social Welfare for the refund of benefits paid to inmates' dependants.

During 1978, 609 inmates were approved for home leave and were paroled on 1676 occasions. The number of inmates breaching conditions of home leave remained low; 8 failed to return to institutions following parole, 9 committed offences while on leave, and 34 failed to observe other conditions of parole. Thus only 3 percent of those granted home leave last

year were known to have breached the trust placed in them, and most of those occurrences were comparatively minor breaches not involving criminal offences.

In addition to home leave, 175 adult inmates were allowed temporary parole varying from a few hours to a few days on compassionate grounds, for employment interviews, or other pre-release reasons. Inmates or relatives meet all the costs of home leave and other paroles except in cases of hardship when benevolent organisations sometimes provide assistance.

The emphasis on community involvement for young offenders continued with borstal trainees and young prisoners from Invercargill, Waikeria, and Arohata borstals assisting various service groups with a wide range of community projects. In addition to this, Arohata, Waipiata, and Invercargill borstals have had programmes operating for some years which allow young inmates to be paroled to attend church or to spend the day with members of the local community. This policy continues to expand thanks to the continuing goodwill in the community. This involvement with the community helps inmates to keep in touch with the realities of life outside the institution.

Staffing

Staff ceilings continue to impose a restriction on recruiting, but within these restrictions recruiting at most institutions has been satisfactory. The decrease in the male inmate population during 1978 has greatly eased staffing problems for institutions except those in the Auckland area, where difficulties in recruitment persist. It is crucial to recruitment and retention that both salaries and conditions of employment for prison officers remain competitive, satisfying, and rewarding. Moreover, there is a danger that high profits from the underworld of drug trafficking may be used to put pressure on inexperienced prison staff to depart from the high standards of integrity that are characteristic of our prison service.

Escapes

There were 101 escapes during the 1978 year; 54 from prisons, 28 from youth prisons, 11 from hostels, and 8 from paroles. Although the pattern of escapes is similar to previous years, there were considerably fewer escapes during 1978. It appears that less crowded conditions in the male institutions have resulted in a rise in inmate and staff morale as well as allowing improved staff vigilance.

Medical Services

It is intended to develop the role of the nursing staff to encompass all aspects of inmate health, including health education programmes, treating sick and injured inmates or referring for treatment by the medical officer, and counselling on personal and family health problems. The department must aim to provide a nursing standard closely related to that of the community, in accordance with United Nations Standards. Custodial and supervisory responsibilities are more appropriately carried out by the prison officer, leaving the nursing staff to concentrate upon a more diverse and total health service for the inmate population.

Chaplaincy

The Rev. R. C. R. Goldsmith, M.A. retired in July 1978, after 10 years' pastoral leadership as senior prison chaplain and 21 years' faithful association with the Justice Department as a prison chaplain. He is succeeded by the Rev. L. W. More, formerly chaplain at Mount Eden and Auckland Maximum Security Prison. Father P. McCormack continues to provide

pastoral oversight of the Catholic chaplaincy as senior Catholic chaplain. Chaplains appointed by the National Council of Churches and Catholic chaplains combine to represent the church in all penal institutions and also to form the New Zealand Prison Chaplains' Association. Gratitude is expressed to the church for the high standard of its ministry in assisting the department meet its complex responsibilities.

It was not for nothing that the biblical injunction reminded the early church of its responsibility "to remember those in prison as if you were in prison with them".

Training and Education

The first full year's operation of the Prison Staff College exceeded expectation. Four-hundred and eighty-three officers (double those of 1978) attended courses and 555 (25 percent more than 1978) were enrolled for correspondence courses.

The policy of offering more non-promotion type courses was continued, and these now account for 40 percent of all courses offered. Ranking officers in particular have benefited from these.

Officers continue to attend the Certificate in Criminology course at Auckland University as well as relevant courses conducted by other agencies.

Prison Industries

During the year ended 31 March 1979, 74 industries were operating in 19 institutions. There are 18 different types of industrial or other undertakings including farming, gardening, timbermilling, fruit growing, cabinetmaking, tubular steel furniture, bootmaking, and tailoring. Farming, furniture, laundering, and tailoring continue to provide the bulk of industry revenue. Receipts for the year ended 31 March 1979 totalled \$3,380,000 compared with \$2,953,000 last year. The bulk of this increase was generated from the following industries:

						\$
Tailoring	..	..	..	..	..	131,000
Tinsmithing	..	..	..	..	..	64,000
Cabinetmaking	..	..	..	..	..	67,000

PRISONERS AID AND REHABILITATION SOCIETY

It is with considerable regret that I refer to the death of the society's national secretary, the Rev. A. K. Wilson, in January 1979 following a brief illness. Mr Wilson was an able and conscientious servant of the society and enjoyed the confidence and respect of administrators and officers of this department. Because of the nature of the activities of the society, outlined in my report last year, it is essential that close links exist between it and the department. Mr Wilson worked very hard to ensure co-operation and co-ordination of these activities.

His influence also extended beyond New Zealand as President of the International Prisoners Aid Organisation and as a representative at the United Nations Congress on Crime and the Treatment of Offenders.

PROBATION DIVISION

Probation Workload

Although comment was made in the report last year on the slight decline in the number of persons under supervision this trend did not continue in 1978. Again the numbers climbed and there was an increase at the end of the year but it is gratifying to note that the rate of increase is slowing without any concomitant rise in prison musters. A new district established at Alexandra is the only geographical expansion which has taken place during the past financial year.

Special Projects

Because they develop close relationships with those under their supervision probation officers have often tried to respond to particular needs through recreational and educational programmes. These have taken the form of helping to organise youth or community recreational activities ranging from the traditional youth clubs to stock car and motor cycle clubs. In some areas remedial education has been carried out by trained teachers in probation offices or periodic detention centres. The environment in which the classes take place is thus a familiar one and the probation officer is present to provide support and interest.

During the past year the provision by the Government of a special financial allocation has encouraged the development of a wider range of programmes. In Christchurch and Hamilton, alcohol education programmes have been established to inform those convicted of alcohol-related offences of the consequences of their behaviour and to encourage a more responsible use of alcoholic liquor. The Alcoholic Liquor Advisory Council provided some sponsorship for these courses. Similarly, business firms and charitable trusts have generously supported these activities.

Special attention has been given to those under supervision who are unemployed. Various projects have been initiated ranging from the establishment of work co-operatives to the teaching of some minor job skills in order to enhance employment prospects. Some work gangs have been able to operate under schemes arranged by the Department of Labour and as a result of this work experience have been able to be absorbed into the work force usually within the space of 6 to 8 weeks. Another very successful venture was a 3-week residential adventure camp where interesting recreational pursuits were provided, with the aims of developing team awareness, achievement, and building up personal esteem. Participants at this course had been unemployed for long periods and some were becoming dispirited but they responded well to the interest shown in them by members of the community as well as by probation staff.

These and many other projects place heavy demands on some officers who spend considerable time and effort in planning and conducting them. Their interest, enthusiasm, and resourcefulness are greatly appreciated.

Pre-Release Hostels

Adult hostels continue to operate with good success but those for borstal youths are still affected by the irresponsible and unpredictable behaviour of young people who lack the maturity to consider the consequences of impulsive actions. A significant proportion is returned to borstal institutions for misbehaviour, often associated with overindulgence in liquor.

A pre-release hostel for female prisoners has been opened at Avenell House in Auckland in what was previously a probation hostel. This enables some accommodation pressure to be taken off the prisons at Mount Eden,

Arohata, and Christchurch. It also provides some women whose homes and families are in the Auckland area the opportunity to spend the last months of their sentences living and working reasonably near to husband and children. The resumption of family relationships made possible through this facility can be of considerable benefit in easing the transition from total custody to freedom in the community when they are ultimately released.

Periodic Detention

The numbers sentenced to periodic detention in recent years have continued to increase annually in the following pattern.

	31 December						Increase percent
1975	22.1
1976	23.0
1977	18.6
1978	10.8

Towards the end of 1978 there was a slight tendency for numbers to decline and it is likely that the average muster in periodic detention centres will stabilise at just over 2000. The numbers in residential centres continue to fall and in the long term it appears that the two forms of sentence, residential and non-residential, will prove incompatible.

One of the essential elements in the sentence of periodic detention is the work that is undertaken in and for the community without reward. Work is organised on the basis of work parties of 10 under the control of an assistant warden and these work parties must be transported from the central reporting place to the work sites.

The provision of adequate suitable transport has bedevilled the scheme from the outset. Vehicles are hired from the Post Office wherever possible, from other Government departments such as Works and Development, Forest Service, and Defence, and from private car hire firms. Use is also made of vehicles from organisations which are the recipients of work such as local bodies and societies for the intellectually handicapped. These arrangements frequently break down.

There can be no justification for the Department of Justice to acquire vehicles for use on only one day each week yet the cost of hire of trucks and vans for the last financial year was well in excess of \$100,000. A possible compromise solution would be for this department to have the use of vehicles which would normally be disposed of as having outlived their economic usefulness. It is essential to the continuation of this particular penal sanction that some permanent solution to transport problems be found.

Probation Hostels

During the year the Manawatu Methodist Social Services Association asked to be allowed to withdraw from their partnership with the department in administering the probation hostel at Palmerston North. The difficulty in finding suitable staff and differences of opinion about the function and programme of the hostel made it impossible for the association to continue. I am grateful for the assistance of the church in past years and for the interest shown in the needs of young delinquents in Palmerston North. This hostel is now being staffed and administered by the department so that supervised accommodation is still being made available to youths who for one reason or another do not have a suitable home environment in which to live.

Hostels at Whangarei and Hamilton are still operating in the original pattern although problems of low occupancy rates and correspondingly low financial return make their situations somewhat uncertain.

PSYCHOLOGICAL SERVICES

It has become noticeable this year that as Probation and Institution staff become increasingly conversant with the work of psychologists, referrals and requests for services increase at a rate beyond the service's capacity to deal with them.

In the Auckland region, in particular, probation referrals have increased this year as compared with last. Without extra staff waiting lists for referrals arise or lengthen, with frustration all around, and sometimes with consequent lost opportunities for treatment. In this situation priorities are hard to decide, for to deal with one case may mean to neglect another.

The report of the Management Audit of Head Office in September recommended a review of policy and functions of the Psychological Services. The service embarked on such a review in March 1979 which I expect, when completed, will give direction to and set the pattern of development for the Psychological Services for some time.

In the meantime, the appointment of senior psychologists at Palmerston North and Dunedin has extended the geographical basis for psychological services to probation offices and penal institutions. There are still gaps, and even these appointments have had to be made within the existing staff ceiling. There is a limit to the redistribution of staff to bring services to other areas.

During the year a decision was made to establish a headquarters for the Psychological Services at Lower Hutt and to give more attention there to the back-up informational and research functions necessary to an effective up-to-date field service. Consideration was also given to shifting the Wellington regional office of the Psychological Services to Lower Hutt. However, final decisions on the precise nature of any office at Lower Hutt should now sensibly await completion of the current review of policy and functions.

MARRIAGE GUIDANCE

The report of the National Marriage Guidance Council for the year ending June 1977 showed a slight drop, both in cases referred and in interviews. Between 1975 and 1977 the counsellor training scheme was not producing sufficient graduates to keep pace with the referrals. These referrals reached a peak in 1976 and levelled off in 1977 as counsellors were unable to accept cases and waiting lists grew. During that year Government made it possible for the council to increase opportunities by 50 percent. The effects show in the following résumé of the counselling services.

In 1978 6814 cases were accepted for counselling, an increase of 9 percent on 1977. These resulted in 21 937 counselling interviews (also a 9 percent increase on the previous year). In about one third of the cases one interview only was required. The other 4423 cases averaged a little more than four interviews per case. This underlines the fact that marriage guidance counsellors are working with crises in people's lives, helping couples to face and resolve difficulties rather than engaging in long-term "therapy".

The 6814 cases referred to involved 12 400 dependent children and 417 adults also dependent for their physical or social needs on the stability of the marriages in question.

Of the clients, 25 percent reported that they were in more or less serious difficulties but did not contemplate the immediate breakdown of their marriage. In a further 23 percent of the marriages one or both parties contemplated separation and in 39 percent of the cases the parties were already separated. The remaining cases were referred for pre-marital counselling.

Of the cases, 26 percent were referred by the Court for conciliation. The National Marriage Guidance Council has always placed a great deal of emphasis on the involvement of both parties, even if in the first instance they appear to be unwilling. Experienced counsellors agree that many such clients use the service constructively. The consistent rate of reconciliation (resumed marriage) is 12 percent in cases where the parties have averaged 9 months of legal conflict before they are referred for counselling. In some communities where the legal profession has a positive attitude to the process and uses it earlier, the rate of reconciliation can rise to 28 percent. The council has pioneered an initial counselling scheme in co-operation with the Department of Social Welfare where applicants for domestic purposes benefit, consequent on recent marriage breakdown, are referred to a counsellor instead of being advised to commence maintenance proceedings. The scheme has been welcomed by counsellors and is producing positive results.

In conciliation proceedings where parties are unable to resume the marriage, counsellors work towards a solution of conflicts concerning what are unhappily termed "ancillary matters". Conflicts of custody and access are particularly destructive, both personally and socially, and are now providing serious delays in post-divorce proceedings overseas. In New Zealand where these matters are largely negotiated during the separation period the council reported positive results in this area with 30 percent of the cases referred. A statutory provision to make referral to counselling precede rather than follow legal action would, in the opinion of the council, be of undoubted benefit to our community.

The council has also been actively engaged in training a team of tutors in human relations in all its centres throughout the country. These seek to improve communication and understanding between marriage partners and family members where no problem or family breakdown is envisaged. Because of the priority given to this, funds, which previously had been used for in-service training of counsellors, have been directed to the development of tutor services over the last 4 years.

COMMERCIAL AFFAIRS DIVISION

The passage of the Securities Act during 1978 and the recent announcement of the membership of the Securities Commission were most significant events for that part of the commercial community which borrows from the public. While other jurisdictions have securities commissions and securities laws, I know of no other jurisdiction which has legislated with the intent that securities laws, or at least the advertising for funds, apply to all public borrowers, even the Government and its agencies, in spite of the entity of the borrower. Apart from the Rules Committee it seems that the requirement of commission consent (or even authorship) before the Government makes regulations is unique. It is to be hoped that the commercial world's own organisations will recognise the need, inherent in the legislation, for strength and, when necessary, resolute action in relation to their own memberships.

It was again found necessary to intervene in a commercial enterprise and the Government applied the Companies Special Investigations Act 1958 to the Christchurch Home Loans Fund group of companies which operated through companies schemes not unlike those of terminating building societies. The Government's concern was such that the Companies Act was amended to proscribe that activity by companies in the future.

The strong support given to the idea of a Securities Commission by the commercial and professional organisations augurs well for its future. The general approbation of the announcement of the first chairman, Mr C. I. Patterson, and his fellow commissioners strengthens that position. While the major day-to-day administrative functions rest on the Registrar of Companies, the commission's formulation of the rules of conduct in consultation with interest groups will strengthen his hand in dealing with the general administration, investigation, and enforcement functions.

Last year it was reported that a management audit had recommended higher clerical and professional staff levels to carry on duties required by law. While small increases have been made to the division's staff ceiling and more professional staff have been added (to some extent at the expense of clerical positions) the total staffing still falls well short of the number recommended on the July 1977 work loads. As a result the continued increase in loading in insolvency work strikes hard on an already overworked and relatively inexperienced insolvency staff. Admittedly, the combination in 1973 of insolvency and company registration work to form the Commercial Affairs Division has resulted in cross training and transfer of staff, but now that the registration of new companies shows an upward trend for the first time in 3 years, we can expect no future relief from that quarter.

Insolvency Statistics — (31 December)

	1974	1975	1976	1977	1978
Bankruptcies	254	361	306	417	509
Company liquidations	75	171	148	205	285

Because each file, particularly those of liquidations, has a life of up to 3 years, successive heavy years have an almost geometric effect on work loading. The position in Auckland can only be ameliorated by time, training, and increased staff.

Company Registration and Investigation

The number of uncompleted investigations is growing rapidly and, while some relief is available through the appointment of private practitioners as investigators, the briefing out of the necessary instructions, the surveillance of the work, and the "de-briefing" and actioning of their reports further hinders the offices' own investigative work. The growing use of technical defences, particularly in Auckland, is disheartening to those involved in attempting to maintain an up-to-date register, and some amendments to the Companies Act relating to service and identification may be warranted.

Registration Statistics — (31 March)

	1975	1976	1977	1978	1979
New companies	7 336	8 208	6 441	4 880	5 792
Total documents	275 652	272 169	286 152	277 113	265 159
Total fees†	\$1 982 877	\$962 760*	\$4 015 400	\$3 997 394	\$4 476 390

*Affected by change of annual licence to annual return fee.

†Registration, annual return, and late filing fees (including up to 31 December 1975 annual licence fees).

The increase by over \$100,000 in late filing fees to a new high of \$351,000 is most disappointing. Perhaps the loss in value of the fee of \$25 set in 1974 is the major cause and a review of that amount might be considered if the position does not improve by the end of the 1979-80 financial year.

PLANNING AND DEVELOPMENT DIVISION

Notwithstanding the difficulties of maintaining the efficient discharge of the department's functions caused by the "sinking lid" staff ceiling policy, my predecessor gave a high priority to the staffing of this division. I share this view, and indeed consider such a division essential in assisting senior management in its task of reviewing policies and operations. The need for this department to take its share of restraints on Government expenditure underlines this requirement.

It is therefore pleasing to report an endorsement for the direction and structure of the division from the Social Sciences Committee of the National Research Advisory Council following their visit to the department in February.

The research, advisory, and information sections which comprise the division bring together research and investigatory techniques and analytic and communication skills necessary for the division's operation. The division undertakes original research and investigations into aspects of departmental activities and monitors the effects of selected legislative provisions to provide information for those responsible for policy review.

The monitoring and analysis of the operation of policy, whether this be embodied in legislation or directed by administrative fiat is, I consider, of particular importance. It is a vehicle by which we can assess whether the legislation is fulfilling the functions determined for it, whether activities are operating in an efficient and effective manner designed to meet the objectives of the policy, and most importantly in times of economic stringency, what activities can be curtailed or perhaps even dispensed with and, for those that are to be maintained with what degree of emphasis. I have accordingly implemented a co-ordinated research system to provide the facility for such a programme.

Since the last report, publications by the division include: *Violence on the Road* — (Research series number 6) — a study of motoring offenders related to such offenders' pattern of non-motoring offences.

Remand on Bail Decisions in the Magistrate's Court — (Research series number 7). This study signals a shift away from the department's traditional research pattern to examine an operational feature of the criminal justice system.

You, Persons Remanded in a Penal Institution — (Study series number 3).

The Alcohol Education Programme run in Christchurch and Hamilton under the auspices of the Justice Department Probation Service (Monograph series number 1).

Prosecutorial Procedure in Selected European Countries — (Monograph series number 2) — an examination of the role of the public prosecutor in Scotland, Scandinavia, and the Netherlands with special attention being given to his role in diverting offenders out of the courts.

The information section of the division continues to produce three series of leaflets for the general public. The fourth leaflet in the legislation series on the rights and responsibilities of tenants and landlords (the Property Law Amendment Act 1975) recently issued has met with an enthusiastic

response. Reprints of the leaflets on the Matrimonial Property Act and the Human Rights Commission Act have been produced to meet the demand. The latter is now available in six Pacific Island languages. The division is concerned, not only to distribute leaflets as widely as possible, but to seek out groups to whom a topic is particularly relevant. Leaflets are issued without charge as part of the programme to ensure that information about the law and its operation, together with services provided by or under the aegis of the department, is widely disseminated.

A recently appointed senior research officer has been tasked with the responsibility of developing within the division the capability to analyse the demographic profile — growth, distribution, structure — of the department's client groups to develop policy and provide information for those responsible for the provision of services and facilities.

LAND AND DEEDS DIVISION

In the last report it was indicated that there has been a 9 percent fall in the total number of instruments registered as compared with the previous year. The figure for this year shows an increase of 13.76 percent over the number registered in the 1977-78 year, making it the highest ever recorded under that heading.

The number of certificates of title issued was again less, showing a fall of 14.8 percent over the previous year. The number of plans deposited also dropped, which indicates that fewer subdivisions of land are being undertaken. The proportion of flat plans and plans prepared for the purposes of the Unit Titles Act 1972 continues to increase each year, which would seem to show the growing interest of some people in a form of community living.

The number of joint family home applications registered over the last 4 years has fallen considerably, possibly because spouses' interests in matrimonial property are more adequately protected in some ways by provisions in the Matrimonial Property Act 1976. It is my opinion that a review of the Joint Family Homes Act 1964 should be undertaken to ascertain how far that Act or parts thereof have been rendered nugatory by later legislation.

The number of transfers of land registered has remained fairly static over the last 5 years, but the number of mortgages registered has increased dramatically over that time, indicating the greater demand for money, and the need of landowners to refinance their undertakings.

Work continues to be processed through Land and Deeds offices in reasonable time, although the Wellington office, because of unsatisfactory working conditions and lack of staff generally, has experienced great difficulty in maintaining a steady output of work. As a temporary expedient staff from other offices have been seconded to Wellington to assist.

Many positions, particularly those for office assistants employed in the records areas of the larger offices, cannot be filled on a permanent basis. We have had therefore to resort to engaging temporary employment workers to fill those positions. However, should these people be withdrawn I could envisage the collapse of the public searching services provided in several offices. I am most concerned about this situation and will continue to make representations for additional staff ceiling places to be provided to allow the aforesaid positions to be filled by permanent staff.

Because the Land and Deeds Division has a very close relationship and association with the Survey and Draughting branches of the Lands and Survey Department, and the public services offered by both departments are to some extent complementary, it has been the policy of both depart-

ments and the State Services Commission to have the two offices accommodated in the same building. In Auckland and Hamilton this is not at present possible because of circumstances that arose which were beyond the control of either department. That arrangement has caused some concern to those who attend those Land and Deeds Offices, particularly in Auckland, where they now have to call at two offices situated in different parts of the city when they require full details relating to a piece of land.

Draft legislation to amend the Unit Titles Act 1972 has now been prepared. The amendments include the recommendations of the committee which undertook a comprehensive review of the Act in 1977-78. The amendment to the Act will be ready for introduction in the next session of Parliament.

The preliminary review of the Land Transfer Act which I referred to in my previous reports has been completed and is at present being studied by District Land Registrars. When this has been completed it will then be referred to a consultative committee representative of all interested parties for final recommendations. I expect the Bill for a new Act to be introduced some time during the 1980 session, with implementation, say, 1 April 1981.

The passing of the Town and Country Planning Act 1977 and the Local Government Amendment Act 1978, amongst others, has caused a considerable amount of additional work for the Registrar-General of Land and District Land Registrars.

The microfilming of the records in the Auckland Land and Deeds Office has had to be postponed for some time. Arrangements are now being made to undertake the microfilming of the Hamilton office records.

It is some years since a disaster record of all certificates of title held in Land and Deeds offices was produced. It has been decided that a new up-to-date microfilm record should now be made, and this task has commenced.

My department is continuing to investigate the part computers can play in the use and control of the work and records in Land and Deeds offices. This will be a long-term study.

The following table analyses the work of the division for the last 5 years.

Year Ending 31 March	Instruments Registered	Certificates of Title Issued	Plans Deposited
1975	511 900	52 196	11 116
1976	570 447	57 008	10 613
1977	616 632	53 196	11 251
1978	565 258	49 516	9 972
1979	640 998	42 176	9 359

During the 1978-79 year the division's expenditure amounted to \$3,606,800 (does not include rent for Registry Office premises or cost of Head Office overheads for services supplied to district offices). Revenue was \$5,520,000.

REGISTRAR-GENERAL'S DIVISION

Births, Deaths, and Marriage Registrations

The demand for certificates and certified copies of birth and marriage registrations continued at the record levels reached in 1977-78. Staffing limitations have made it difficult to maintain this work and retain the rapid processing of requests expected by the public.

A recent amendment to the Status of Children Act 1969 required the searching of paternity registers as an integral part of the administration of

estates and trusts. The additional work involved required the allocation of a staff member on a full-time basis.

Electoral

Detailed statistics of the 1978 General Election are published separately as parliamentary paper E. 9. Development work which commenced in 1977 on the new computerised electoral system was continued and the first electoral rolls based on the new boundaries set by the Representation Commission were produced in 1978. As roll maintenance had been suspended over the period of the change-over the electoral records included in these initial rolls were considerably in arrears and contained a number of placement errors. A large number of temporary workers was required to cope with the resulting back-log of enrolments and corrections and many less essential changes had to be deferred.

A Committee of Inquiry has been set up by Government to examine aspects of the electoral system, and their findings, with those of the electoral petition hearing in the Hunua electorate, should lead to improved system procedures and clarification of some sections of the Electoral Act.

PATENTS DIVISION

The following table provides a comparison of the number of applications for patents, designs, and trade marks, together with the total fees received for each category, over the last 3 years.

	1976-77 Ended 31 March 1977		1977-78 Ended 31 March 1978		1978-79 Ended 31 March 1979	
	Appli- cations	Fees \$	Appli- cations	Fees \$	Appli- cations	Fees \$
Patents	3 272	322,600	3 085	436,876	3 221	475,726
Designs	531	9,201	451	12,119	574	15,103
Trade marks	3 757	207,745	3 799	285,903	4 155	319,869
Misc.		8,061		7,334		8,618
Totals:	7 560	547,607	7 335	742,232	7 950	819,316

The expenditure for the year was \$906,100 of which salaries totalled \$654,300. The staff employed at 31 March 1979 was 64.

Patents

The 3221 applications for the grant of letters patent originated in the following countries: New Zealand, 1138; United States, 700; United Kingdom, 390; Australia, 217; Switzerland, 158; West Germany, 128; France, 121; Japan, 68; Italy, 52; The Netherlands, 49; Sweden, 45; Canada, 27; Denmark, 20; South Africa, 15; and the balance of 93 from 24 other countries.

The technical content fell into the following categories: chemistry, 1072; mechanical engineering, 913; building, 381; home science, 314; electrical engineering, 260; primary industries, 281.

Inventions in the chemical and mechanical engineering fields continue to predominate. The following are examples of the wide range of subject matter of patent applications: electrical and electronic equipment, particularly video disc scanning, computer controlled telephone exchanges, and colour TV circuit improvements; a large number of pharmaceutical compounds and compositions such as antibiotics; herbicides, pesticides, and veterinary compositions; polymeric compositions and processes for fabricating plastics; methods for laying underwater pipelines and for recovering oil and gas from off-shore wells; farm machinery such as equipment for handling large round hay bales; building hardware and modular

and prefabricated buildings; devices using alternative energy sources such as windmills, solar water heaters, water wheels, and wave power and tide power motors; modified internal combustion engines; and foodstuffs.

The number of patent applications filed by New Zealand citizens or companies incorporated in New Zealand was 12 percent greater than the number filed last year and continues to be relatively high at 35 percent of the total.

During the year 1491 applications proceeded to acceptance after search and examination, and letters patent were sealed on 1697 applications. Fourteen oppositions against the grant of patents and 2 applications for the revocation of patents were filed.

Trade Marks

The 4155 applications for the registration of trade marks were received from the following countries in the number indicated: New Zealand, 1788; United States, 890; United Kingdom, 384; Australia, 278; West Germany, 178; France, 137; Japan, 115; Switzerland, 85; Canada, 40; The Netherlands, 34; Sweden, 34; Italy, 32; Denmark, 24; and the balance of 136 from 28 other countries.

After search and examination 2644 applications were accepted, 2018 were registered, and 3358 existing registrations were renewed.

During the year 689 searches were made for the the Companies Office in respect of the names of new companies seeking registration. Twenty-eight oppositions were filed against applications to register trade marks and there were 20 applications for rectification of the register. Prior to application 554 requests were answered for searches and preliminary advice on the registrability of marks.

General

Difficulty is still experienced in recruiting and retaining staff; especially in the patent examining and trade mark examining fields.

Applications in all fields have increased markedly since last year. The number of patent applications, while still less than the numbers received in earlier years, has increased by 4 percent. Trade mark applications have increased by 9 percent and design applications by 27 percent, and in both these fields the number of applications in the past year is higher than in any previous year. If these increases continue arrears in examinations must increase even further unless staff is available to deal with them.

During the year a microfilm unit was set up to film office records. The patent register has been filmed and is stored at Blenheim as a disaster record. Approximately 300 reels (equivalent to about 750 000 pages) of local and foreign specifications have been filmed and a programme is being developed for the publication of local patent specifications in microfiche forms. Our main regular accessions of foreign specifications are now being received on microfilm and this will reduce our future requirements for space as well as reducing our future binding costs once the considerable backlog of binding has been completed.

WANGANUI COMPUTER CENTRE SYSTEM

The Wanganui Computer Centre continued to expand its activities over the past 12 months. The Ministry of Transport is now processing traffic cases through the courts in the Taranaki-Wanganui, Hawke's Bay-Poverty Bay, and greater Auckland areas, although this still excludes local body traffic cases for the Auckland and Napier City corporations. No further progress has been made with negotiations with other local body traffic

authorities throughout the country with a view to having their cases processed through the computer centre system. Tentative proposals have been made to extend the commencement of the traffic enforcement system to the Canterbury-Westland area in May of this year.

As was the situation at the time of last year's report, the only sub-system not fully operational is fines enforcement. The amount of outstanding fines continues to rise each year and enforcement procedures become more arduous and complex. It is vital that the Wanganui system be used for the collection and enforcement of fines so as to provide some relief in this area. A feasibility study conducted last year indicated that a computerised fines system was possible and that the benefits gained from such a system would be numerous, so providing a more effective and efficient method of collection and enforcement.

The message switching facility between offices continues to provide a most useful and necessary service. However, the introduction of additional and more stringent security procedures has tended to curtail the use of the equipment and the system as a management tool.

FINANCE

Details of the department's operations (excluding electoral) during the 1978-79 year are:

	Expenditure \$	Revenue \$	Net Expenditure \$
Consolidated Account ..	70,203,367	32,048,506	38,154,861

The department budgeted for a net expenditure of \$39,074,100. The Consolidated Account was underspent by \$345,733 while revenue collected exceeded the amount estimated by \$573,506. Net expenditure for the year ended 31 March 1979 was \$8,046,024 more than that for the previous year due to increased staff, capital works, and other operating expenditure. Revenue collected did not increase at the same rate as expenditure.

BUILDINGS

Courthouses

The new administration and law library building at Christchurch has been completed. Work has continued on the new Court of Appeal in Wellington and is expected to be completed about September. Contracts were let during the year for a new courthouse at Marton, major additions to the Hamilton Supreme Court, and a small addition at Te Awamutu.

The substantial increase in work in recent years has left many of our courts quite inadequate for the purpose. At the time the Royal Commission on the Courts was set up, it was decided to defer some work until the recommendations of the commission were known. This delay had added to the problems being experienced in our courthouses. During the year extensive investigations have been carried out into the future needs of many of our courthouses. Plans and long-term programmes are now being developed to deal with the deficiencies. An increased allocation of funds will be necessary in the next few years to meet the accommodation shortages in our courts.

Planning has reached the stage where tenders for the new courthouse at Thames have just been called. I am hopeful that a new building for Gore should go out to tender in the near future. Additions should be made at Taihape, Hawera, and Napier and extra accommodation provided at North Shore, Papakura, Invercargill, and Christchurch Magistrate's Courts during the coming year.

Improvements are in hand to provide better accommodation and facilities at the Auckland and Christchurch Supreme and Magistrate's Courts, and the Dunedin courthouse. Sites for new courthouses at Te Awamutu, Napier, Dannevirke, Masterton, and Timaru are also being investigated.

Long-term planning has continued for other courthouses throughout the country. The needs at Tauranga, Napier, Palmerston North, and Timaru are becoming urgent.

Prisons

The new medium security prison at Wanganui and the youth institution at Manawatu were completed during the year. Construction of the new Auckland medium security prison and the additions at Addington have continued. Site works for the Papakura Youth Institution are nearly complete.

Improvements are in hand to provide better facilities at Tongariro, Wellington, Paparua, Rolleston, and Invercargill institutions. Work will continue during the coming year at these places.

Further planning work has been carried out for the new Auckland Remand Centre and the replacement institution at Hawkes Bay. The department is also negotiating for the acquisition of a property to provide a women's prison in Auckland. Long-term planning has begun for institutions to replace the buildings at Addington and Dunedin.

Office Accommodation

In addition to courthouses and prisons the department has about 60 other offices throughout the country. The Government Office Accommodation Board arranges accommodation for these offices and a number of new and improved premises were arranged this year. The assistance given by the Government Office Accommodation Board to meet our needs is appreciated.

J. F. ROBERTSON, Secretary for Justice.

APPENDIX I
PENAL STATISTICS FOR THE YEAR ENDED
31 DECEMBER 1978

The following summary of receptions shows the totals for each of the past 6 years.

Table A: Summary of Receptions

	1973			1974			1975		
	M	F	T	M	F	T	M	F	T
Total receptions (including multiple receptions of the same person but excluding transfers)	9 462	510	9 972	9 788	591	10 379	9 811	572	10 383
Individual persons undergoing sentence	4 776	214	4 990	4 601	208	4 809	4 794*	240	5 034*

	1976			1977			1978		
	M	F	T	M	F	T	M	F	T
Total receptions (including multiple receptions of the same person but excluding transfers)	10 263	560	10 823	9 342	557	9 899	9 584	671	10 255
Individual persons undergoing sentence	5 022	246	5 268	4 505	246	4 751	4 322	275	4 597

*Revised

Ratio of Distinct Prisoners Received to the Mean Population

The ratio of distinct prisoners received to each 10 000 of the mean population is here shown for the year 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
1974	15.79
1975	16.22
1976	16.91
1977	15.19
1978	14.69 provisional

Table B: Nature of Offence

Year	Offences Against the Person								Totals
	Sexual		Other Offences		Offences Against Property*		Miscellaneous		
	No.	Percentage of Total	No.	Percentage of Total	No.	Percentage of Total	No.	Percentage of Total	
1969..	143	3.6	364	9.3	1 809	45.9	1 624	41.2	3 940
1970..	158	3.3	481	9.9	2 042	42.0	2 180	44.8	4 861
1971..	132	2.3	555	9.8	2 330	40.9	2 678	47.0	5 695
1972..	150	2.7	584	10.6	2 234	40.6	2 533	46.1	5 501
1973..	188	3.8	685	13.7	1 808	36.2	2 309	46.3	4 990
1974..	181	3.8	576	12.0	1 864	38.8	2 188	45.5	4 809
1975..	155	3.1	610	12.1	2 160	42.9	2 109	41.9	5 034
1976..	154	2.9	734	13.9	2 393	45.4	1 987	37.8	5 268
1977..	138	2.9	680	14.3	2 268	47.7	1 665	35.0	4 751
1978..	137	3.0	650	14.1	2 085	45.4	1 725	37.5	4 597

*Includes forgery and currency offences

Table C: Length of Sentence

Term of Sentence	Number of Prisoners					
	1973	1974	1975	1976	1977	1978
Imprisonment of --						
Under 1 month	933	863	560	581	388	468
One month and under 3 months ..	803	817	832	765	699	699
Three months and under 6 months ..	490	457	484	488	488	555
Six months and under 12 months ..	700	629	839	929	910	846
One year and under 3 years ..	641	580	689	819	804*	681
Three years and under 5 years ..	109	105	148	133*	122*	140
Five years and over (excluding life) ..	23	43	51	66*	37	50
Life	10	5	8	13	12	13
Borstal training	719	763	837	874	742*	682
Detention in detention centre ..	561	545	585	600	548*	460
Preventive detention	1	2	1	--	1	3
Totals	4 990	4 809	5 034	5 268	4 751	4 597

*Revised

Table D: Country of Birth

Year	New Zealand Born			Total
	Non-Maoris	Maoris	Other	
1969	2 025	1 421	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
1974	2 347	1 841	621	4 809
1975	2 451	1 885	698	5 034
1976	2 641	1 974	653	5 268
1977	2 266	1 923	562	4 751
1978	2 162	1 887	548	4 597

Table E: Age of Prisoners

Age Group						
	1973	1974	1975	1976	1977	1978
Under 20	1 736	1 685	1 702	1 823	1 662	1 472
20 - 24	1 405	1 302	1 535	1 614	1 495	1 461
25 - 29	667	590	686	744	678*	660
30 - 39	636	626	605	585	538	592
40 and upward	546	606	506	502	378*	412
Totals	4 990	4 809	5 034	5 268	4 751	4 597

*Revised

Table F: General Summary 1978

Prisoners Received, Discharged, etc.

Name of Prison	Number of Persons at Beginning of Year		Number Received During Year		Number Discharged or Transferred During Year(†)		Number in Prison at End of year		Greatest Number in Prison at One Time		Least Number in Prison at One Time		Daily Average Number of Prisoners	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Arohata .. .. .	...	17	...	186	...	171	...	32	...	34	...	13	...	24
Arohata (women's borstal) .. .. .	...	39	...	79	...	82	...	36	...	45	...	28	...	37
Auckland	227	...	304	...	324	...	207	...	228	...	196	...	211	...
Christchurch(*)	336	...	1 355	...	1 378	...	313	...	378	...	290	...	336	...
Christchurch (women's prison) .. .. .	...	49	...	132	...	134	...	47	...	53	...	38	...	46
Dunedin	44	...	723	...	726	...	41	...	63	...	22	...	43	...
Invercargill	1	...	107	...	104	...	4	...	11	...	1	...	3	...
Invercargill (borstal institution)	182	...	247	...	277	...	152	...	182	...	134	...	151	...
Mount Eden	368	15	3 709	351	3 782	353	295	13	449	28	293	8	394	17
Napier	54	...	555	...	565	...	44	...	70	...	29	...	49	...
New Plymouth	55	...	240	4	249	4	46	...	64	1	45	...	55	1
Ohura	44	...	81	...	90	...	35	...	46	...	34	...	38	...
Rolleston Prison	68	...	122	...	125	...	65	...	70	...	59	...	66	...
Rolleston (detention centre)	35	...	183	...	199	...	19	...	49	...	18	...	32	...
Tongariro (detention centre)	72	...	326	...	357	...	41	...	72	...	39	...	49	...
Tongariro (prison farm)	119	...	270	...	271	...	118	...	124	...	106	...	116	...
Rangipo (prison farm)	154	...	328	...	383	...	149	...	166	...	142	...	149	...
Waikeria	75	...	1 400	...	1 406	...	69	...	99	...	31	...	64	...
Waikeria (borstal institution)	335	...	453	...	442	...	346	...	373	...	294	...	338	...
Waikeria (detention centre)	11	...	258	...	265	...	4	...	17	...	...	...	5	...
Waikane	97	...	169	...	183	...	83	...	116	...	83	...	94	...
Waipata (youth centre)	38	...	72	...	80	...	30	...	50	...	24	...	37	...
Wanganui	68	...	543	...	477	...	134	...	147	...	66	...	86	...
Wellington	174	...	1 140	...	1 208	...	106	...	200	...	99	...	164	...
Wi Tako	182	...	262	...	279	...	165	...	183	...	147	...	168	...
Minor prisons and police gaols	1	...	217	27	218	27	...	...	14	1	...	...	2	...
Police lock-ups(‡) .. .. .	...	...	1	...	1	...	...	...	...	...	...	...	...	...
Totals	2 740	120	13 065	779	13 339†	771‡	2 466	128					2 650	125

(*) Comprises Paparua and Addington prisons.

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

(‡) Includes acquitted after remand, transfers to another prison or institution, discharged on expiration or remission of sentence, and released on bail or handed to the police.

APPENDIX II

PROBATION STATISTICS FOR YEAR 1978

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

Year	Males	Females	Total
1974	4 785	862	5 647
1975	5 769	1 000	6 769
1976	5 552	1 017	6 569
1977	5 482	1 296	6 778
1978	5 842	1 379	7 221

(b) Probationers who committed breaches of the order during the year ended 31 December 1978 —

Males	Females	Total
667	155	822

(c) Summary of cases dealt with in 1978 —

	Released on Probation		
	Males	Females	Total
Number reporting 1 January 1978	6 081	1 311	7 392
Released on probation during year	5 842	1 379	7 221
Totals	11 923	2 690	14 613
Completed probation during the year	4 733	959	5 692
Resentenced on original charge	45	10	55
Committed further offences	559	74	633
Left New Zealand	7	1	8
Absconded and not found	128	32	160
Deceased	45	9	54
Discharged by court	238	39	277
Totals	5 755	1 124	6 879
Number reporting as at 31 December 1978	6 168	1 566	7 734

NOTE: There were 67 probationers reporting to part-time Police probation officers during the year.

APPENDIX III

PAROLE

(a) Parole —

	Males	Females	Total
Number reporting 1 January 1978	2 040	115	2 155
Released on parole	2 436	140	2 576
Totals	4 476	255	4 731
Completed parole during 1978	2 007	132	2 139
Committed further offences	376	9	385
Recalled to prison	25	3	28
Left New Zealand	11	1	12
Absconded and not found	43	3	46
Deceased	7		7
Discharged by Parole Board	12		12
Totals	2 481	148	2 629
Number reporting as at 31 December 1978	1 995	107	2 102

(b) Probationers who committed breaches of the order during the year ended 31 December 1978 —

Males	Females	Total
228	16	244

(c) Ages and terms of probation of offenders released on probation during 1978

			1 Year		15 Months		18 Months		2 Years		2½ Years		3 Years		Total		Grand Total
			M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Under 17 .. ..	..	..	292	49	83	20	252	54	80	18	...	...	4	1	711	142	853
17 and under 18 .. ..	..	..	413	105	94	8	243	62	63	29	...	1	1	1	814	206	1 020
18 and under 20 .. ..	..	..	727	134	116	8	413	89	83	48	1	..	7	1	1 347	280	1 627
20 and under 25 .. ..	..	..	814	204	139	14	491	128	127	43	2	3	8	6	1 581	398	1 979
25 and under 30 .. ..	..	..	323	84	62	4	197	49	61	24	...	...	2	1	645	162	807
30 and under 40 .. ..	..	..	242	59	31	3	135	42	58	23	...	1	8	2	474	130	604
40 and under 50 .. ..	..	..	88	14	15	4	50	13	18	6	...	...	4	...	175	37	212
50 and under 60 .. ..	..	..	36	9	2	...	19	4	9	4	...	...	4	...	70	17	87
60 and under 70 .. ..	..	..	11	4	...	...	6	1	4	1	...	...	1	...	22	6	28
70 and over .. ..	..	..	1	...	...	...	1	...	1	...	...	...	...	1	3	1	4
Totals .. ..	..	..	2 947	662	542	61	1 807	442	504	196	3	5	39	13	5 842	1 379	7 221

APPENDIX IV

1. Periodic detention statistics for the year ended 31 December 1978 —

(a) Number sentenced to periodic detention —

	Males	Females	Total
Number reporting 1 January 1978	2 111	34	2 145
Number sentenced to periodic detention ..	5 316	135	5 451
Totals	7 427	169	7 596
Completed the sentence during the year ..	4 499	91	4 590
Committed further offences	692	7	699
Absconded and not found	276	24	300
Deceased	17	1	18
Discharged by court	38	3	41
Totals	5 522	126	5 648
Number reporting 31 December 1978 ..	1 905	43	1 948

(b) Number who committed breaches of the order during the year ended 31 December 1978.

Males	Females	Total
228	16	244

2. Community work statistics for the year ending 31 December 1978:

Number reporting 31 December 1978 .. 485

3. Financial disbursement for the year ending 31 December 1978:

	\$
Restitution	261,693
Fines and costs	113,106
Unofficial money (savings, debts, etc.)	492,528
Total	867,327

4. Pre-sentence reports during the year 1978:

Supreme Court	709
Magistrate's Court	17 426
Total	18,135

APPENDIX V

Court of Appeal —

	1978		
	Number Filed	Number Allowed	Number Dismissed
<i>Criminal</i>			
Appeals against conviction	42	15	27
Appeals against conviction and sentence	42	21	21
Appeals against sentence	106	22	84
Cases stated	5	1	4
Other	19	10	9
<i>Civil</i>			
Appeals or cases stated	85	28	53
No. of sitting days — 191			

Supreme Court —

	1974	1975	1976	1977	1978
Writs	4 559	4 773	3 349	3 956*	4 011
Divorce petitions	5 384	6 236	6 146	6 326	6 682
Probate applications	16 512	16 414	16 057	15 958	15 658
Chattel securities registered	21 942	23 881	28 979	27 671	40 344
Criminal trials	587	674	700	662	651
Committals for sentence	156	134	189	222	169

Magistrates' Courts —*Civil —*

	1974	1975	1976	1977	1978
Plaints	126 417	145 688	141 967	144 309*	142 262
Judgment summonses	25 139	25 245	29 899	27 037	24 106
Warrants	37 173	41 082	45 524	44 546	47 536
Totals	<u>188 729</u>	<u>212 015</u>	<u>217 390</u>	<u>216 209</u>	<u>213 772</u>

Criminal —

	1974	1975	1976	1977	1978
(Including traffic offences)	420 873	489 755	521 312	509 369	495 668
Traffic offences	270 281	318 967	336 858	321 554	335 089
<i>Revenue and Fines</i>					
	1974	1975	1976	1977	1978
Total revenue	\$8,991,263	\$9,351,680	\$10,576,236	\$11,760,444	\$12,123,549
Total number of fines imposed	255 857*	270 795*	328 126	330 234	408 631
Total amount of fines imposed	\$9,548,998	\$10,554,169	\$11,726,673	\$13,203,689	\$14,250,322
Total number of summonses for examination issued	21 425#	36 530	67 621	54 317	51 391
Number of examinations held	1 318	4 853	6 508	5 266	6 095
Total number of fines in respect of which warrants were issued to enforce payment	31 164§	4 416	4 722	4 054	4 878
Total number of fines in respect of which warrants of committal were issued and defendants imprisoned	1 866†	1 998	1 643	1 530	1 139
Total amount of fines in respect of which warrants of committal were issued and defendants imprisoned .. .. .	.. .. ‡	\$158,373	\$145,266	\$133,959	\$138,870
Total number of fines remitted	5 576	5 305	7 016	9 479	9 829
Total amount of fines remitted	\$181,991	\$286,807	\$281,577	\$499,114	\$524,777

* Excluding Children's Courts.

† This is the total for 1974. Of this number, 766 warrants of committal were issued during the period 1 June 1974 - 31 December 1974 pursuant to the Summary Proceedings Amendment Act 1973 which came into force on 1 June 1974. It is not recorded, however, how many of the 766 committal warrants resulted in the defendants being imprisoned.

‡ These figures were not recorded for 1974 but will be included in future reports. However, it is a notable feature that in some districts the amount of fines recovered over the 7-month period from 1 June when the Summary Proceedings Amendment Act 1973 came into force, exceeds the amounts imposed in the same period, e.g., Auckland \$841,911 imposed and \$967,292 recovered. Dunedin \$175,644 imposed and \$176,913 recovered. These figures indicate the effectiveness of the new fines enforcement procedures.

§ This figure is for the calendar year. But it should be noted that of the 31 164 only 811 warrants were issued during the period 1 June 1974 to 31 December 1974 after the new fines enforcement procedures were introduced.

These are for period 1 June 1974 to 31 December 1974.

Domestic Proceedings —

	1974	1975	1976	1977	1978
Applications	10 674	11 661	12 679	13 810	13 552

END