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REPORT  
OF THE  
DEPARTMENT OF JUSTICE

FOR THE YEAR ENDED

31 MARCH 1976

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ACQUISITIONS

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

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## 1975—PROBLEMS AND TRENDS

The over-riding need for restraint in staff numbers and in expenditure in many areas and programmes dominated the year, and for the most part forced us to conserve rather than to advance. The effect, however, went beyond inhibiting the inauguration of new policies and is creating some embarrassment over our ability to carry out existing functions efficiently. Although the Department of Justice may have some reputation for a readiness to innovate, its central functions are traditional ones which cannot be laid aside or deferred. The administration of justice, the enforcement of the sentences of the courts, and the recording and registration of a wide variety of public information are not a matter of choice. These services are essential in any sort of modern society and the department has no option but to accept whatever work comes its way. Increases in the size and activity of the police and other law enforcement agencies inevitably mean a mounting workload for courts and for the probation and prison services. I have said this before but I do not apologise for repeating it—the administration of justice and especially criminal justice is a seamless web and if the apprehension of criminals is to be regarded as being of paramount importance then the services and institutions that have to deal with them once caught must be given equal priority in the allocation of resources.

I willingly acknowledge that in the recent past we have been fairly treated in the allocation of available staff and finance for essential purposes but I am very concerned that the mounting flow of work, especially on the criminal side, and the rigour of current restrictions, will lead to increasing delays and mistakes and reduce significantly the quality of service that the public expects of us.

Not the least alarming part of our increasing workload is the further apparently remorseless rise in prison and borstal musters. What appeared to be the plateau of 1973 and 1974 now looks more like a ledge. Musters in penal institutions have built up from 2444 on 31 December 1974 to 2944 on 31 May 1976, an increase of 500 or 20 percent in less than 18 months. Most of this increase occurred in two spasms in the late summer and autumn of 1975 and 1976 as a sort of dark seasonal phenomenon.

It has often been said before, but is worth repeating, that imprisonment should be a last resort in dealing with offenders. If rehabilitation is to continue to be a principal aim of penal policy it is nowhere more difficult to achieve than in a prison environment. Yet intermittent calls continue to be made for longer and harsher prison sentences. It is to be doubted whether the handing out of long sentences is likely to do much to deter either the offender himself or others. Most crimes are simply not committed after any rational weighing of the risks and advantages, or a nice calculation of the probability of apprehension or the length or nature of the likely sentence. What long sentences can achieve is to put a particular offender out of circulation and prevent him from committing further depredation for the time being. The courts have not been loath to use their powers to impose long sentences in cases they judge appropriate, but unhappily the pool from which such offenders come shows no signs of drying up. "Deterrent" sentences seem to have little if any effect on subsequent offenders.

All too often the demand for harsh punishment is, however, merely a primitive desire for retaliation, whatever the causes and irrespective of the consequences. If this feeling could be canalised into support for a

more wholehearted stress on restitution and reparation by offenders the gains could be great. It is in this area of reparation that I see the best prospect for real advances in penal policy in the near future, but it is very difficult in practice to combine the concept of reparation with custodial detention. The prisoner is traditionally said to be "paying his debt to society" but this is much too impersonal and indirect to count for much with the average offender or his victim.

Notwithstanding the steep climb in the number of prison inmates the numbers sentenced to periodic detention and placed on probation are also at the highest level ever. We are in urgent need of additional staff to cope adequately with these record increases.

The work of the Commercial Affairs Division of the department during 1975 was notable for the special legislation that had to be prepared and enacted to deal with the impending failure of the old, respected, and much trusted company, Perpetual Trustees. The number of major company collapses in recent years with their effects on large numbers of shareholders, investors, and creditors does suggest something amiss in New Zealand's commercial world.

The year saw some modest achievements in carrying out a policy of progressive law reform and these are summarised later in this report. In relation to the results achieved the cost of law reform in New Zealand is remarkably small compared with most other countries. Moreover, while the real and imaginary imperfections of particular measures are duly seized upon, I doubt that more lavish expenditure would have greatly improved the quality of most pieces of law reform here. What does concern me about law reform is that we are still only scratching the surface of what ought to be done, and I measure what ought to be done not by any theoretical or academic standard but by the pressure from responsible quarters for radical improvement in those parts of the law that concern them. These cries are frequent and loud. The modernisation of our business and commercial law alone could support a full time programme, in addition to which we have criminal law, family law, occupational regulation, consumer law, and the constitution and structure of the courts, not to mention that perennial source of dissatisfaction, the liquor laws, where a polarisation of community views and a kaleidoscope of conflicting and overlapping economic interests are stubborn obstacles to rationalisation.

It is true that even in New Zealand law reform absorbs some resources of qualified people but I believe it to be a field where a relatively modest investment in increased departmental staffing could yield an altogether disproportionate return in terms of justice achieved. The social benefits of sound reform and the less tangible but very real gains from an active effort to mould the law to the needs of the present make it an appropriate area for social advancement in times of recession. In recognition of the importance of law reform to our society the former Advisory Section of head office was with your predecessor's approval elevated to the status of a division and named the Law Reform Division. It now remains to give it the resources to justify its enhanced if belated status.

One development of great potential significance is the Government's decision stated in its election policy to set up a Human Rights Commission. Because of its possibilities very great care will need to be taken in devising its structure and powers. In other common law countries, notably Canada, human rights commissions have preceded the institution

of Ombudsman. In New Zealand the Ombudsman has already established himself as a popular and important part of our constitutional structure and it would be unfortunate if anything were done that had the effect of impairing the unique standing of the Ombudsman's office in the public eye. The Ombudsman operates in the public sector and this calls for a different role and orientation from that of a Human Rights Commission which is more concerned with the abridgment of freedoms in the private sector, notably in the form of discrimination based on race, sex, religion, and so on. Of course we already have a Race Relations Act which provides a body of law that could be administered by a Human Rights Commission, although there are advantages in some degree of practical autonomy. I welcome the proposal to link the establishment of a Human Rights Commission with the enactment of specific legislation relating to discrimination on grounds of sex.

Another important event will be the Royal Commission on Courts, which again is part of the Government's election policy. This will absorb on a higher plane the proposal to review the court structure initially in the form of a Green Paper. For the first time the whole structure of the courts in New Zealand will come under comprehensive review, and the findings of the commission must inevitably set the pattern for many years to come. The constitution of courts does not and should not change frequently; a regular and accepted courts system is an important element of stability. This, however, makes it all the more important that when a review is undertaken the study should be thorough and unsparing and should not balk at awkward or fundamental issues.

#### LAW REFORM DIVISION

The responsibilities of the Law Reform Division (formerly the Advisory section of head office) are considerable both in range and content, and no title can comprise them all adequately. Its principal functions are to provide legal advice and assistance to the Minister and officers of the department, to service the Law Reform Council and the five law reform committees, to consider requests and representations for changes in the law on matters that come under the department's aegis, and most important of all to formulate and prepare proposals for legislation and to assist the Minister of Justice in securing the passage through the Government and parliamentary machinery of Bills which he sponsors. These duties, large as they are, leave a good deal that ought desirably to be done but that because of the division's limited numbers has had to be neglected.

In particular I believe much more should be done to inform and to enforce—to tell the public of legislation sponsored by the department that affects their rights and responsibilities and explain its substance in a simple and untechnical fashion, and to take suitable action upon complaints that there has been a breach of the law. Where possible, the department has tried to devise legislation that is largely self-enforcing, but criminal sanctions are sometimes unavoidable. These should not be allowed to become in practice a dead letter; and it is often neither fair nor practicable to ask the police to prosecute breaches of regulatory provisions. And where criminal offences are not involved, it becomes all the more necessary to inform people of the responsibilities imposed on them, and the rights the law gives them and how to go about securing these. This has been done in a few cases, and notably with the legal aid

scheme, but as our resources permit I hope to see it become a normal postlude to all legislation that the division is concerned with other than strictly lawyers' law.

1975 saw a good deal of legislation enacted or introduced into Parliament. Undoubtedly the most controversial was the Criminal Justice Amendment Act which amongst other things restricted the publication of the name of an accused person unless and until he had been found guilty. With the change of Government last year these provisions were destined, however, for a short life.

Major measures enacted in 1975 included the Property Law Amendment Act which among other things provided a comprehensive up-to-date code of the rights and obligations of landlords and tenants in respect to the state of rental premises; the Motor Vehicle Dealers Act which overhauled the law governing the licensing of dealers, and defined their responsibilities in respect of used car sales including the creation of a code of consumer warranties; and the Ombudsmen Act extending the jurisdiction of the Ombudsman to local authorities and providing for additional Ombudsmen. Other legislation included the Unsolicited Goods and Services Act clarifying the rights of recipients of unsolicited goods; the Electoral Amendment Act a feature of which was the attempt to grapple with the thorny problem of Maori representation; the Licensing Trusts Amendment Act which converted existing suburban trusts into district trusts; and the Domestic Actions Act which abolished sundry actions including the right to sue for breach of promise of marriage and to claim damages for adultery. The action for enticement was retained.

Measures introduced but not enacted were the Real Estate Agents Bill updating the law relating to real estate agents; the Small Claims Tribunals Bill providing for tribunals to hear claims for amounts not exceeding \$500; the Sale of Liquor Amendment Bill which among other things proposed lowering the drinking age to 18, extending closing hours, and tightening up on enforcement procedures and penalties; the Domicile Bill abolishing the common law rule that a married woman is incapable of having a separate domicile from her husband's during their marriage; the Marriage Amendment Bill which expands the categories of persons who may be authorised to celebrate marriages; the Listening Devices Bill prohibiting the use of listening devices except in specified circumstances; the Privacy Commissioner Bill providing for the establishment of a commissioner to advise the Government on matters relating to the protection of privacy; and the Matrimonial Property Bill which is aimed at securing a fairer division of the matrimonial property upon the break-up of a marriage by dividing matrimonial property into domestic assets (which are to be shared equally in the absence of special circumstances) and general assets which are to be shared in proportion to the direct and indirect contribution. A White Paper entitled *Matrimonial Property—Comparable Sharing* was published at the time the Bill was introduced explaining its provisions and canvassing the question of the division of matrimonial property upon death, which the Bill does not cover.

The year also saw the replacement of the cumbersome Law Revision Commission with a smaller and more informal Law Reform Council, made up of the Minister of Justice as chairman, the Solicitor-General, the Chief Parliamentary Counsel, the Secretary for Justice, and the chairmen of the five standing law reform committees. The council held

an initial meeting which enabled those who recommend reforms to discuss their problems with those responsible for implementing their recommendations and vice versa.

## THE ADMINISTRATION OF JUSTICE

### Judiciary and Magistracy

There is I believe an insufficient appreciation in the community generally of the extremely high quality of the work of our judges and magistrates. We are singularly fortunate in the general calibre and ability of our judicial officers. This has for so long been the case that we tend to take it for granted. Nor do I know of any other country in which court business is dispatched with less avoidable delay than in New Zealand. Particularly in criminal cases where the liberty of the subject may be in jeopardy our courts are at pains to ensure prompt trials. Notwithstanding this the proposal to review the structure of our courts is timely. A structure which has seen few changes since the beginning of the century can only benefit from a thorough review. This will be particularly useful if it results in changes which relieve the increasingly heavy pressures being borne by the judiciary and magistracy. At present, notwithstanding long sitting days, the rising tide of court business is in danger of engulfing the best efforts of our courts to dispose of it promptly.

### Judicial Officers

#### Judges

Appointments—The Hon. Mr Justice Henry (temporary), the Hon. Mr Justice Coates (temporary), the Hon. Mr Justice Ongley, the Hon. Mr Justice Barker, and the Hon. Mr Justice Jeffries.

Retirement—The Hon. Mr Justice Haslam.

Death—I record with regret the death of the Hon. Mr Justice MacArthur.

#### Magistrates

Appointments—B. A. Palmer, S.M., H. R. H. Paul, S.M., Mrs G. C. P. A. Wallace, S.M., B. J. McK. Kerr, S.M., and J. H. Hall, S.M.

Deaths—I record with regret the deaths of H. Rosen, S.M. and J. A. Bretherton, S.M.

### Justices of the Peace

For many years justices of the peace have presided over most preliminary hearings of indictable offences and to a lesser extent over charges brought under the Police Offences Act. More recently justices have played an increasingly active part in the disposition of minor offences which include all offences which do not carry a liability to imprisonment or to a fine exceeding \$500. A high proportion are traffic offences. Unless the defendant requests a hearing in court, to which he is entitled as of right if he seeks it, these are now dealt with "on the papers". But for the active participation of justices in most centres throughout New Zealand long delays would have been incurred in disposing of these cases.

In Auckland justices of the peace are now dealing with an average of more than 4000 such prosecutions each month. In addition in the same city in a recent month justices dealt with 326 minor offender

prosecutions which were either defended or on which there were appearances for pleas in mitigation of penalty. This work is voluntary and unpaid and reflects a high degree of public spiritedness on the part of presiding justices. Moreover it relieves hard pressed magistrates to attend to more serious cases.

A recent categorisation of the minor offences procedure as "mail order justice" by a Supreme Court Judge has unfortunately had a very demoralising effect on many justices who are conscientiously performing a valuable judicial role and who rightly or wrongly took this observation as a disparagement of their work. All justices dealing with minor offences or otherwise presiding in court receive preliminary training and of course have guidance available to them from experienced court officers on procedural and related matters. Because of the increasing involvement of justices of the peace in minor court proceedings it is intended to enhance this training. The Royal Federation of New Zealand Justices has, as a jubilee effort, raised a substantial sum from its members for educational purposes. The department, in consultation with the Federation and the Technical Correspondence Institute, has devised a new training course for justices. In time I hope that completion of this course coupled with additional practical training by magistrates and court registrars will be a necessary qualification for every justice before he is able to preside over proceedings within the jurisdiction of justices of the peace.

#### Courts Administration

The increase in court business has been especially noticeable in the Magistrates' Courts, where the volume of civil business has increased by almost 86 percent since 1960 and criminal business has increased by what can only be described as a startling 233 percent. The criminal figures (in which traffic prosecutions are heavily represented) now represent almost 1 prosecution for every 6 persons in New Zealand as compared with 1 in 10 a mere decade ago. The increases over each of the last 5 years are shown in the appendix to this report. It should be noted that these have accelerated in the last 3 years and it seems likely we will experience a further substantial increase in 1976.

We have endeavoured to streamline procedures consistent with the public interest and to make the best and most effective use of our manpower. However, there are limits to what can be achieved. The introduction of social legislation and new procedures to ensure the better protection of the rights of the citizen have an impact on the administrative work which the courts are required to handle over and above that reflected in growth figures alone.

Before proceedings can be brought before a judge or magistrate there is a considerable amount of administrative and procedural work which must be carefully handled and which forms an integral part of the due process of law.

#### Legal Aid and Assistance

The existing schemes for legal aid in criminal and civil cases are meeting a clear need within the community and can be described as working tolerably well. However, we have a responsibility to balance the needs of the community against the cost to the community in providing a service such as legal aid. The total legal aid bill is approaching

\$2 million and the time may be opportune for a comprehensive re-appraisal of the various schemes. We should consider whether there might be better ways of meeting the social obligations of the State and perhaps design a vehicle to extend the availability of aid by other more economic means. Available funds for legal aid are not unlimited and we must ensure that they are spent in the best possible way. For this reason I intend as soon as possible to initiate a comprehensive study of the need for legal services within our community. This will involve a review of existing schemes.

#### Fines and Fines Enforcement

In 1975, for the first time, fines imposed exceeded \$10 million.

In recent years the numbers of fines imposed have climbed in keeping with the steep increase in criminal convictions. But while the average fine has increased substantially this increase has been a good deal less than the general rise in costs and wages. For example the average fine for assault has increased by 18.2 percent between 1971 and 1974 and in respect of offences against property by 20.4 percent. In real terms therefore the level of fines has fallen and while the great majority of fines imposed are below the maximum for the offence, there is a case for reviewing these maxima in the light of current money values. Experience both here and overseas shows that the fine remains one of the most effective penal sanctions provided of course the fine is collected. Recent improved procedures for fines enforcement are resulting in the collection of a high proportion of all fines imposed. Apart from the desirability of ensuring that offenders meet their obligations it makes good economic sense to ensure their payment. Pressures on presently available court staff regrettably are placing in jeopardy our ability to maintain a high rate of recovery.

#### Court Buildings

The new courthouse at Lower Hutt was opened in August 1975. Work continued on the new Court of Appeal opposite Parliament Buildings and early in 1978 the court will at last be housed in accommodation commensurate with its standing as our highest New Zealand court.

Next in priority are new Supreme Courts at Auckland, Wellington, and Christchurch, and to a lesser degree a Supreme Court block at Hamilton. During the year a group comprising the assistant secretary of the Courts Division, a Ministry of Works and Development architect, and a representative of the Wellington Law Society visited various courthouses in Australia and the advantages resulting from this visit will make a considerable impact on future courthouse design and especially on courtroom layout. For various reasons progress on planning for the Auckland, Hamilton, and Wellington Supreme Courts have been disappointingly slow. The new Christchurch court complex is now progressing satisfactorily and the first stage, the Administration and Law Library block, is due for completion in late 1977. This will enable the old and hazardous Supreme Court building to be demolished and replaced virtually on the same site.

Planning commenced on new courthouses at Morrinsville, Thames, Marton, and Gore, basically to the plan which was first used at Taumarunui a few years ago and which has proved itself as a satisfactory standard for the smaller towns. Planning for a new courthouse at Timaru has been delayed by uncertainty over its site.

In most of the larger cities ancillary accommodation has had to be leased to provide relief to the overcrowded conditions and it seems that this short-term expedient must continue for some years. The main problem area is in the greater Auckland area. A new court at Henderson in leased premises is ready for the partitioning and services work, and an additional floor has been obtained for the North Shore Court, but it will be some time before these can be occupied. However, it is obvious that these will afford only short term relief and the area from Warkworth to Papakura will need special attention to serve the continuing population growth.

Last year I reported that the department hoped to use the old Land and Deeds Building at Auckland to provide accommodation for a number of tribunals and to improve the very poor conditions available for young offenders hearings. Unfortunately, the building proved to be structurally unsound and the project has been abandoned.

#### Tribunals Division

This division is responsible for the servicing of 14 tribunals and its staff includes the inspectors of licensed premises. The Social Security Appeal Authority is now established and holding monthly sittings. It heard 137 appeals during the year. The Accident Compensation Appeal Authority held five sittings. During 1975 the Town and Country Planning Appeal Boards received 846 appeals and 87 objections under section 22 of the Public Works Act 1923. These figures are down on the previous year but there was sufficient work to fully occupy the three boards. There is evidence that the work of the Co-operative Dairy Companies Tribunal is likely to increase. There are still 76 applications in respect of criminal injuries compensation to be dealt with by the Accident Compensation Commission which now exercises the function formerly vested in the Crimes Compensation Tribunal. Forty-eight of these cases have been processed and await a decision of the commission. The remaining tribunals have coped with whatever work has come their way. The Licensing Control Commission reports separately to you under its own Act.

### PENAL DIVISION

#### Prison and Borstal Population

I regret that for the sixth year in succession it is necessary to say that the problem of overcrowding still bedevils our efforts to implement a penal policy which reflects a humane concern for the individual needs of each inmate. This year has again seen an increase in prison population with 2713 males and 118 females in custody at the end of March 1976 compared with 2559 males and 96 females at the same time last year. Musters continue to rise and at the time of writing number 2829 males and 120 females.

It was unfortunate that at a time of great pressure caused by high receptions and innovations in policy, the department was required to restrict overtime by its prison staff and to abandon most staff training. Expenditure on penal administration does not excite the public imagination, but so long as offenders must be imprisoned and the public conscience demands that this be done humanely then the cost must be met. One way to save expenditure is to imprison fewer people and

for shorter terms. However, it is for the courts to decide where the public interest lies in dealing with each particular offender and they are clearly not deterred from imposing imprisonment by its high cost. We continue to have a relatively high rate of imprisonment in comparison with a number of western countries.

#### Escapes

There were 166 escapes during 1975; 63 were from prisons, 71 from youth institutions, 11 from hostels, and 21 from parole. The number of escapes undoubtedly reflects the pressures under which most institutions are operating because of increased receptions. The vast majority, as in other years, have occurred in circumstances of minimum security and could more accurately be termed absconding.

#### Release to Work

Inmates are continuing to make use of the privilege of release to work parole. This measure assists them to obtain settled employment before release and to make contributions towards outstanding debts. In 1975, 527 inmates were granted work parole and 455 were successful in obtaining work. Two hundred and twenty-one borstal trainees were also allowed to work for short periods.

#### Home Leave

In 1974 the home leave scheme was extended to include all minimum security institutions, and the scheme was further extended during 1975, to allow inmates in minimum security to have home leave at 2-monthly instead of 4-monthly intervals and also to allow home leave in special circumstances for inmates in medium security prisons who are nearing the end of their sentence.

During 1975, 757 inmates participated in the scheme and had home leave on 1372 occasions. Another 378 inmates were granted temporary parole for various reasons. There was unfortunately an increase in the number of parole breaches. Fifteen failed to return, 14 committed offences while on leave, and 30 failed to observe other conditions of parole. Thus 5.2 percent of those granted this privilege last year were known to have breached the trust. As a result more stringent selection measures have been applied this year, particularly to those who have records of violence.

#### Staffing

Staffing recruitment in the earlier part of the year was satisfactory and enabled us to cope with the rising inmate muster. Unfortunately this could not be sustained throughout the year and with record muster numbers institution staff are being asked to carry a greatly increased load. Officers are to be warmly commended for the way in which they responded to the situation, which demanded personal sacrifices of time in many cases at the expense of family obligations. I hope that we will not have to continue for too long to subject their loyalty to these strains.

#### Training and Education

Just over half the planned residential courses were held before staff training was curtailed to save overtime. To enable junior officers to qualify for salary increments a temporary correspondence course with

a restricted content was initiated. Over 120 such courses were issued, and will be supplemented through residential courses at the Staff Training Centre. Eleven officers were sent to external courses and two superintendents, one from Indonesia and one from the Cook Islands, were attached to the division to gain experience.

Throughout the year a small committee has been preparing a revised promotion and training scheme for prison officers. Its recommendations are almost complete, and will be ready on the opening of the new Prison Officers Staff College.

There are 18 full-time teaching positions in ten institutions. This increase has been reflected in a much greater volume of individual remedial work being undertaken and in the 1375 correspondence courses issued. One hundred and sixty-four external examination papers were sat by inmates with 99 known passes and 41 unknown. Of these 32 papers were at university level.

### Buildings

A tender was accepted for the new youth institution near Linton. The successful tenderer was L. A. H. Mason Ltd. and good progress is being made with this building which will be completed in 1978. Construction also continued on the new medium security prison at Kaitoke, near Wanganui, and this institution is now expected to be ready early in 1977. A start was also made on the new staff college at Wi Tako. This will be brought into use in 1977 and will provide us with adequate accommodation for the cadet scheme and for the training of staff for our institutions.

To provide for new sentences of corrective training which were introduced by the amendment to the Criminal Justice Act in 1975 an institution at Rangipo near Turangi has been built by prison labour and is ready for occupation. A second institution at Otatara near Invercargill has been planned and we expect to be ready to call tenders early in the new financial year. This institution could be completed about the middle of 1977. Until it is ready we cannot introduce the new sentence of corrective training.

The siteworks for the new medium security prison to be built at Paremoremo have almost been completed and working drawings have been finished. This institution is urgently needed to meet the increased musters which have been commented upon elsewhere in this report. Tenders could be called as soon as financial authority has been given.

The department is proceeding with planning of a new institution at Hawke's Bay and a new youth institution at Papakura. Improved facilities at other institutions are also urgent. In particular, a start should be made this year on long overdue improvements at Paparua and Addington.

### Prison Industries

In its broadest sense, the term "prison industries" involves the full employment of all inmates to give them useful constructive work and increase the revenue of the department, thus reducing the cost to the taxpayer. The development of good work habits is an important part of our penal policy and can be applied even to the most menial tasks.

As in outside industry, our methods and equipment in industrial activities require to be continually reviewed and modernised. It is not sufficient to say that inmates are employed. They must be employed fully and to the best advantage. Problems are different in each institution

and vary from year to year. The high musters last year necessitated increased industrial activities in most institutions and this is reflected in both expenditure and revenue in the department's estimates.

The final plans for the development of the timber mill at Waikune have been completed. The present mill is antiquated and inadequate for the economical processing of timber from the forest managed by this institution. The new mill, although small by some standards, will be an efficient economic unit with modern plant. Building should commence in 1977-78.

Since the new system of industry accounting was introduced in 1972 there has been an increased awareness of the financial aspect of our industries. Indeed, unless a prison industry shows a worthwhile return there is, generally, no justification for retaining it.

A substantial portion of our revenue is derived from farming. With improved prices for primary produce revenue from the department's farming operations for the year ended 31 March 1976 was \$821,084 compared with \$767,432 for 1975.

The total revenue from our industries to 31 March 1976 was \$2,472,845 compared with \$2,038,843 to 31 March 1975.

### Chaplaincy

A team of chaplains, full time and part time, representing the National Council of Churches and the Council of Catholic Bishops, continues to exercise an ecumenical ministry enlisting a wide range of church and community folk in practical expressions of friendship and help. Christian unity is demonstrated by the diversity of denominations represented; it is also fortunate that three Maori chaplains serve full time on behalf of the National Council of Churches. Community support through generous donations of money and labour enabled a classroom to be converted into a beautiful chapel at Paparua Prison, Christchurch.

The chaplains are basically church pastors, as evidenced by the recent return to parish work of Revs A. R. Cooper (Mt. Eden) and J. C. F. Mabon (Wellington) after 6 and 5 years' chaplaincy respectively.

Rev. Rex Goldsmith continues as senior chaplain at head office and "Arohata" Borstal, while Father Peter McCormack adds his role as senior Catholic chaplain to his duties as Wellington director of Catholic Social Services.

### Psychological Services

The appointment of psychologists and assistant psychologists of a high calibre, the establishment of two additional senior positions and the formation of a fourth region, Hamilton, have placed the service in the best staffing position it has been in for some time.

The experimental training programme developed at Hillary House has been operating since April 1974. Its aim is two-fold; firstly developing trainees' behaviour that is broadly termed socially responsible, and secondly reducing the effects usually associated with regimented institutional living by requiring trainees to exercise choice, and so prevent the development of reliance on external control. These aims are pursued by methods not previously used within our institutions—the application of the principles of modern behavioural psychology. Trainees are awarded points for appropriate behaviour and standards of achievement in the broad areas of work, education, and social training, with the

emphasis on functional behaviour rather than institutional behaviour. A trainee's progress through the programme is contingent upon his performance in these areas indicated.

The main feature reported by prison officers operating the programme has been the change from direct control and supervision by officers to self-control by trainees through the points system. This has occurred without any lowering of standards of conduct, personal hygiene, or punctuality.

After nearly 12 months in operation, the Hillary House programme shows some promise of being a real alternative to traditional approaches: an alternative which eliminates or avoids some of the difficulties and harmful effects of customary and coercive methods of control.

The service to the Probation Division remains confined largely to the main centres, particularly Auckland, where additional staff has enabled a significant increase in the allocation of time for work with people on probation.

#### Research

During the year proposals for a revised format for presenting criminal statistics have been considered and a new classification of offences prepared distinguishing between imprisonable and non-imprisonable offences, so that trends in the use made by courts of various types of sentence can be better discerned. This revision will be effective with the advent of the Wanganui computer centre into which information concerning criminal and traffic charges will be fed. The revision will provide for additional new information relating to probation, periodic detention, and remand and bail previously unpublished.

A report on a census of persons in custody or on probation conducted on 4 July 1972 was published during the year along with a study on sentencing in the Children's Court from the point of view of labelling theory. Several other studies are complete and awaiting publication including a statistical study of sociodemographic correlates of divorce; a national survey of the enforcement of monetary penalties indicating the relative efficacy of enforcement procedures, and a survey of drug offending in the Wellington region.

Several substantial studies are at various stages of completion. These include an examination of the decision to remand in the Wellington Magistrates Court and a national study of serious motoring offenders. The residential and non-residential periodic detention schemes are being evaluated and surveys are being conducted into violence and gang offending.

#### PRISONERS AID AND REHABILITATION SOCIETY

The objective of the society is to provide assistance to probationers, inmates of penal institutions, ex-inmates and dependants, and nearly 500 volunteers throughout the country are working in various ways to fulfil this role. Regular prison visiting is undertaken at most penal institutions; small groups of women visitors go to the homes and look after the interests of dependants and in over 30 centres material aid, counsel, and general assistance is given to ex-inmates and their families. Members of the society do not seek and seldom receive any public recognition for their selfless and humanitarian work. They would, however, welcome assistance in their task from other concerned citizens.

Four post-release hostels are staffed and supervised by the society on behalf of the department and one on behalf of St. James Church, Auckland.

The houses made available by the department at four penal centres for the accommodation of visiting relatives help in a very practical way to alleviate the hardship encountered by wives coming to the institutions, especially when they are accompanied by children. For most visitors, the high cost of accommodation has often made visits impossible. The local committees of the society are entirely responsible for the upkeep and supervision of the houses.

The society maintains a training programme for prison visitors and field officers with an annual seminar and training activity on the local level. A close liaison is maintained with the officers of the department on a national and local level.

#### PROBATION DIVISION

##### Probation and Parole

There are more people reporting to probation officers throughout New Zealand than ever before. Year by year the number of persons released on probation by the courts continues to rise—by an annual average of about 10 percent for the past 5 years. Were it not for the tendency towards shorter terms we would have been in danger of inundation. Some 40 percent of all persons on probation are released for the minimum term of 1 year ensuring a fairly rapid turnover of clientele.

In some cases a longer term of probation would afford the probation service a greater opportunity to assist the probationer in coming to terms with himself and the community and reducing the risk of reoffending. Probation remains a relatively successful way of dealing with offenders; the recidivism rate is appreciably lower than that for offenders sent to prison. I sense, however, notwithstanding the increased numbers of offenders placed on probation, a feeling on the part of the courts that it is necessary to reinforce probation by awarding an additional sentence whether it be a fine, community work, or periodic detention. In some instances this can be counter-productive. Provided our probation service is adequately staffed, which it is not at present, and the period of probation is a realistic length, I believe additional sentences are in an appreciable number of cases unnecessary. Too often the other sentence is seen as the principal punishment and the offender tends to regard probation as a nuisance which he must tolerate but to which he has little inducement to respond in a positive way. In short the probation officer's task is made unnecessarily difficult and his prospects of working constructively with the offender are correspondingly diminished.

At any one time the probation service is responsible for an appreciable number of parolees who remain on probation for 1 year after release from custody. The first few weeks after release from prison are a critical time for many inmates. It is then they are at greatest risk. In an attempt to assist in their resettlement in the community I am anxious, when staff is available, to have one or more probation officers working in all our major prisons to liaise with inmates due for release and help in establishing them "outside".

### Workload

In the last 12 months the number of persons released on probation increased by no less than 20 percent and the total number reporting reached 7268 probationers and 1979 parolees. This constantly increasing workload has come at a period when the probation service along with others has been placed under severe constraints on the number of staff permitted to be employed. The effect has been that for the past 6 months workloads for individual officers have gradually increased. In addition many more pre-sentence reports have had to be prepared for the courts—14 617 in 1974 and 16 503 in 1975. Another task that takes up a significant portion of probation officers' time is the inquiries made prior to the granting of home leave to prison inmates. Any new function such as this adds to the heavy burden already being carried by busy field officers. There are limits on the number of cases one officer can effectively supervise and the number of reports he can write if probationary supervision is not to degenerate to mere registration, or the progress of criminal cases through the courts be delayed by the sheer inability to handle the volume of reporting work.

On top of staff restrictions, curtailment of overtime and travel because of financial stringencies has created difficulties for and inhibited the work of probation officers. Our officers are first and foremost field officers, and without a good deal of travelling and out of hours work the quality of their work is necessarily diminished.

### Probation Hostels

The first probation hostel opened in Auckland in 1963 and in this venture the department co-operated with the Presbyterian Social Services Association. Unfortunately the arrangement was terminated early in 1975 by mutual agreement as it was no longer economically possible to continue. The hostel had a fairly chequered history, but over lengthy periods it provided supervised accommodation for a large number of youths, who benefited from the physical and personal care and interest of the staff, and may have kept a number out of a borstal or prison environment. I appreciate the perseverance of the Presbyterian Social Services Association in this venture and hope that the opportunity for further co-operation in the rehabilitation of offenders will again arise in the greater Auckland area.

Hostels at Whangarei, Palmerston North, and Invercargill, run in conjunction with church social service organisations continue to operate satisfactorily but in common with all social service activities rising costs are proving a constant problem.

### Periodic Detention

Musters in periodic detention centres continued to rise during the year, reaching 1614 on 26 March 1976 compared with 1225 on 28 March 1975. The actual number of persons sentenced during the year was 3699, and 3041 completed their terms or were discharged by the court. A recent study has shown a marked difference in the failure rate as between residential and non-residential periodic detention in that of the 720 sentenced to the residential type, 153 failed to complete the term without further offending while in the non-residential type only 229 out of 2979 failed to complete. This difference may be explained to some extent by the difference in age of those sentenced to residential centres, which are

restricted to youths under 20 years of age. Immaturity and irresponsibility are characteristics fairly prominent in this group of offenders and in one centre catering for those aged between 15 and 17 one in every three failed to report to the centre on the first occasion. Among the older age group awareness of the consequences of failure to fulfil the terms of the order seems to provide sufficient incentive to comply. Younger offenders in general tend to disregard the consequences. Those who put great faith in the deterrent effect of punishment might pause to reflect on this fact.

In its first year of operation the periodic detention centre for females at Auckland received 41 offenders. A varied programme has been devised and it has been pleasing to find that community organisations have been very willing to go to some trouble to provide worthwhile work for these offenders to do in keeping with their interests and capabilities. The Advisory Committee have maintained a lively interest in the activities at the centre and their support of the department's experimental scheme is greatly appreciated. Associated with the programme is a comprehensive research study, and when a reasonable period has elapsed useful descriptive information will be available along with some assessment of the efficacy of this type of penal treatment for female offenders.

Numbers sentenced to periodic detention increased by over 20 percent during 1975 placing very severe strain on the ability of the department to provide adequate supervision. We were compelled to reduce the number of hours each week that assistant wardens, the work gang supervisors, were required to work to 10 each week from 16 in some cases and 13 in other cases. This caused the abandonment of week-night programmes of instruction, education, and discussion and also meant that the time available for case recording and case discussion was curtailed almost to the point of extinction. We are extremely fortunate to have men from all walks of life of fine character and possessing a very wide range of skills who are available for supervisory duties. It is particularly disappointing that their contributions to the effectiveness of this type of sentence, where the authority of the law becomes personalised in the consistent, just, and firm character of an assistant warden should have to be reduced.

### MARRIAGE GUIDANCE AND COUNSELLING

In the year ending 30 June 1975, 23 local councils provided counselling services to 5555 couples; a little over two-thirds of these came on their own initiative or were referred by other agencies in the community. The rest were referred by the courts. There was an increase of 12 percent over last year in the number of cases dealt with.

The courts referred 1736 cases for conciliation and of these 63 cases were withdrawn or conciliation was dispensed with before the conciliator had completed the task. Of the rest 66 percent were reported to the court as unsuccessful and in 19 percent the court was informed that the clients were ready to agree on some of the matters which had been in dispute. In 13 percent of the cases, clients resumed the marriage so that no further court action was needed.

The 3819 couples who asked for help themselves received 13 154 interviews, an increase of 14 percent on last year's figures.

The staff of voluntary counsellors now totals 196 and on average they conducted 94 interviews per counsellor. Some people are working much

more intensively than this and some less so, but it is clear that our voluntary services are being more effectively organised and utilised year by year.

The National Marriage Guidance Council reports a continuing concern at the high proportion of clients who came as a last desperate measure when they are either contemplating separation or living apart. The council is endeavouring to deal with this in two ways. Local counselling teams are increasing their contact with other professions concerned with marriage breakdown. Doctors, solicitors, social workers, clergy, and members of the police force are being invited to meet the local marriage counselling team with a view to understanding how the service operates and what it can offer.

The second approach is to develop marriage educational courses for adults. These courses have more than doubled over the last 2 years. In addition to the work done with school children and young people, 9526 adults attended marriage education courses during the last year. This gives another and early opportunity for contact with marriage counselling services.

#### Court Conciliation Service

The work of the department's Court Conciliation Centre at Auckland continues to increase. Since the Domestic Proceedings Act 1968 came into effect on 1 January 1970 the number of referrals has increased steadily from 837 in 1970 to 1456 in 1975.

Success in the work of matrimonial conciliation is difficult to assess as it cannot be restricted to the number of conciliations reported. Conciliation is a process and even if reconciliation of the parties is not accomplished there are other benefits. Over the past 5 years reconciliations have been reported in about 20 percent of the cases where the conciliator has been able to see both parties. Of the remaining referrals there was incomplete contact in many, many were withdrawn, in many the matter was settled out of court by mutual agreement, in some the parties effected a reconciliation themselves, and in some conciliation was dispensed with subsequent to the referral.

### COMMERCIAL AFFAIRS DIVISION

Last year I pointed out the value of the newly created Commercial Affairs Division in the Cornish and Circuit company collapses. I stressed that the call for adequate law, effectively administered, to prevent and cope with business abuses came loudest from the commercial community itself.

During this year the division had to respond to a series of crises across an even wider range of activity. Again special legislation was necessary to control the ramifications of the imminent and dangerous collapse of Perpetual Trustees and the Company Law Advisory Committee which had previously not been called together since 1972 (the JBL collapse) met twice, to deal with the Gemco cattle syndication group and the Mark Craig investment group. The division's advice was sought on many matters including the viability of both existing licensing trusts and new ventures.

For this division too a gap is growing between on the one hand the volume of business flowing into it and the demands by public and Government alike for its services and advice, and on the other hand

the staff available to it. Its day-to-day administrative work must be performed, although delays and mistakes are bound to increase in these circumstances. The regrettable truth is, however, that the division cannot undertake to respond to all requests to look into the affairs of companies and groups where there are allegations or suspicions of something amiss. Proper investigations, followed if necessary by appropriate action in the form of civil and possibly criminal proceedings, consume a great deal of time, and involve professional officers and those who must service their work. There is no real evidence that business malpractices and frauds have suddenly become more common, and the reason why they have seldom come to light in the past may simply be that no one has looked. The existence and functions of the Commercial Affairs Division are now well known to the public, and complaints have increased rapidly. At present, we are forced against our will to be very selective in responding to them.

The point ought to be made that the Commercial Affairs Division is concerned, along with other things, with a good deal of what is called "white collar crime". This is every bit as anti-social and harmful to the individual as the more obvious and visible forms of crime, but its detection and successful prosecution is often far more complex. Unless the community wishes to shrug its shoulders at this middle class fraud (and I do not believe it does) the provision of resources for its investigation is equally as important as strengthening the police force so that it may carry out its traditional tasks.

Likewise, investigatory work and its follow up, and the need to solve ad hoc problems and crisis, has brought almost to a halt the much needed task of devising new legislation that will more effectively curb abuses in the area of business practices. This work is a joint responsibility of the division and the Law Reform Division, which itself is hindered by the low ratio of its staff to the calls made upon it.

An amendment to the Companies Act 1955 has considerably eased the burden of chartered accountants by standardising time limits, eliminating some anomalies which caused them particular bother, and dropping the antiquated annual licence system. The Act also increased the fees payable, clarified and extended the Registrar's inspection powers, and strengthened the provisions for the regulation of prospectuses. On this last point, however, I must express some misgivings. The Registrar of Companies is concerned to police the Act where investment moneys are invited from the public. Yet in prosecuting advertisers who step outside the bounds permitted by the Companies Act he may seem to be attacking relatively minor breaches while many enterprises, the subject of widespread adverse criticism, avoid all these obligations by using forms of organisation to which no Act applies. There is a strong case for an urgent and early review of legislation in relation to financial advertising.

#### Registration

The number of new company registrations levelled somewhat during the financial year and liquidations and bankruptcies rose although not yet to the previous maxima recorded.

The cumulative effect was a much higher workload, and the total number of companies on the register is still growing. This is exacerbated by our inability to devote time to removing defunct companies from the

register, which means much "dead paper" being carried within the register and still being serviced by staff.

A new abstract system along lines discussed with the New Zealand Society of Accountants and Chartered Institute of Secretaries and Administrators was instituted on 1 January in the six commercial affairs offices. So far it has proved successful and has eliminated almost entirely the disputes and complaints which arose as a result of unprovable claims about the registration of documents. It has simplified the internal accounting procedures and allowed the elimination of the annual licences in the Companies Amendment Act 1975. But it does take more staff to administer.

### Liquidations and Insolvency

Both liquidations and insolvencies rose during 1975-76 but the real problem they posed was not their numbers but the increased complexity of many of those with which official assignees had to deal. The presence for the first time of accountants in our district offices has pointed up very clearly deficiencies in the previous administration of estates and companies by staff who did not have the requisite technical skills. The need is thus for professional staff to service not just the companies business of commercial affairs offices but also the official assignee.

### Registration Statistics

		31 March				
		1972	1973	1974	1975	1976
New companies	.. ..	5 721	6 374	8 857	7 336	8 208
Total documents	.. ..	205 660	229 362	277 682	275 652	272 169
Registration fees	.. ..	\$ 301,493	\$ 346,354	\$ 438,758	\$ 680,732	\$ 785,271
Annual licence fees	.. ..	1,208,523	1,281,332	1,402,182	1,302,145	177,489*
		1,510,016	1,627,686	1,840,940	1,982,877	962,760

\*The annual licence fee was abolished as from 31 December 1975 and replaced by an annual return fee, the full effect of which will be shown only by the end of the 1976 calendar year.

### LAND AND DEEDS DIVISION

Contrary to expectations, the previous year's fall in the volume of work received by land registry offices did not continue during 1975-76. All registry offices, except Dunedin, recorded an increase in transactions over the previous year. Overall there was an increase of 11.4 percent over the earlier year, 1.7 percent above the record figure achieved in the boom year of 1973-74. But whereas the total number of transfers registered increased by only 1.7 percent, the increases in the number of mortgages registered was 22.9 percent.

Notwithstanding this renewed advance of land transactions, and the inability to fill all staff vacancies because of departmental staff ceilings, registries have so far been able to cope with the work with little or no delay. The recent reorganisation of work procedures has come through its first test extremely well. In most offices ordinary work, not involving the issue of new certificates of title, is being processed in a week or less. The warning must be given however that continued increases in work pressing on an inflexible staff ceiling must eventually mean the return of delays.

The need to modernise and improve document filing and retrieval systems in the larger registries, to save costly office space and give a more efficient service to the public, has been recognised for some time. The records in the Napier Land and Deeds Office have been microfilmed.

When the required equipment is received a sophisticated system using miniature records will be available for public use. A start is about to be made on microfilming the records in the Auckland Land and Deeds Office with a view to installing a similar system there. Ultimately the other major registries will be dealt with in the same manner.

Indexes are a vital part of the public records system held by land and deeds offices and their deplorable state is a matter of concern. An investigation is presently being undertaken in conjunction with the Valuation Department, using that department's records and land registry records, for the Woodville Borough and Woodville County, with the object of devising a working index more adequate for present day conditions. When the results of that exercise have been evaluated and the required form of index decided upon, preparation of such an index will be undertaken on a national scale.

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

Year Ended 31 March	Instruments Registered	Certificates of Title Issued	Plans of Subdivision	Fees Collected
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
1975	511 900	52 196	11 116	2,223,585
1976	570 447	57 008	10 613	2,324,838

### REGISTRAR-GENERAL'S DIVISION

#### Births, Deaths, and Marriage Registration

An amendment to the Marriage Act was introduced during the last session. Its objects were to provide a new definition of "marriage celebrant", to authorise the solemnisation of marriages by some persons other than registrars or officiating ministers, and to extend the hours during which a marriage could be solemnised. The Bill did not complete its parliamentary passage but will remain on the Order Paper for 1976.

#### Electoral

Statistics of the 1975 general election are published separately as parliamentary paper E. 9.

To encourage the enrolment of the newly enfranchised 18-year-olds, and in an attempt to reach other unregistered people, the innovation of a circular delivered to every household throughout the country was made. It appears to have been successful. We are grateful for the co-operation of Jaycees who, with others, ably assisted eligible electors to enrol by means they devised themselves.

The compilation and maintenance of electoral rolls was transferred from the former Registrars of Electors of the Department of Justice to an electorate officer on the staff of a post office within each electorate. This has meant a better service for electors. Fully computerised rolls were used for the first time and, despite some adverse publicity, they were more accurate and up to date than previous rolls. As no general re-enrolment was required names were carried forward from the 1972 rolls when changes of address had not been notified by electors.

Administrative arrangements were made for a general re-enrolment of all eligible electors in conjunction with the population census of

23 March 1976 as provided in the Electoral Amendment Act 1975. A joint form to serve both census and electoral purposes was used resulting in considerable savings and more comprehensive enrolment. The Representation Commission will revise the electoral boundaries on the new basis provided for in the Electoral Amendment Act 1975 when the population statistics are available.

The computerised electoral rolls provide a facility to assist in the preparation of new jury rolls compiled in the year following a general election.

### PATENTS DIVISION

As required by statute the Commissioner of Patents submits this report for the period 1 April 1975 to 31 March 1976. 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 three years.

	1973-74: Ended 31 March 1974		1974-75: Ended 31 March 1975		1975-76: Ended 31 March 1976	
	Appli- cations	Fees	Appli- cations	Fees	Appli- cations	Fees
		\$		\$		\$
Patents .. ..	3 566	176,936	3 238	157,168	3 398	173,778
Designs .. ..	369	3,542	371	3,672	416	4,080
Trade marks ..	4 041	87,814	3 618	87,470	3 828	114,336
Miscellaneous ..	..	..	..	6,192	..	7,904
Totals .. ..	7 976	268,292	7 227	254,502	7 642	300,098

The expenditure for the year was \$559,730, of which salaries totalled \$491,859. The staff employed at 31 March 1976 was 64 as compared with 62 at 31 March 1975.

#### Patents

The 3398 applications for the grant of letters patent originated in the following countries: New Zealand, 1307; United States, 770; United Kingdom, 402; Australia, 193; Germany, 144; Switzerland, 138; France, 89; The Netherlands, 61; Japan, 57; Canada, 48; Sweden, 40; Italy, 24; and the balance of 125 from 26 other countries.

The technical content fell into the following categories: chemistry, 1041; mechanical engineering, 971; building, 441; home science, 389; electrical engineering, 341; primary industries, 215.

The following are examples of the wide range of inventions contained in patent applications: miscellaneous electrical and electronic equipment; a wide range of pharmaceutical compounds and compositions, particularly antibiotics; immobilised enzymes; herbicides and pesticides; veterinary compositions; uses for and treatment of natural gas; modifications to farm machinery, particularly shearing equipment; methods of building construction using prefabricated units; foodstuffs; solar water heating units; windmills and wind-powered motors; utilisation of energy from sea waves; and off-shore installations for oil production.

The number of patent applications filed by New Zealand citizens or companies incorporated in New Zealand was 38 percent of the total, compared with 30 percent for the previous year and an average of 26.5 percent over the last 12 years. This increase in the proportion of local applications is due partly to an increase in the number of local applications (36 percent more than the average of the last 12 years) and partly

to a decrease in overseas filings (21 percent less than the average of the last 12 years).

During the year 2436 applications proceeded to acceptance after search and examination, and letters patent were sealed on 2196 applications. Nineteen oppositions against the grant of patents and three applications for the revocation of patents were filed.

#### Trade Marks

The 3828 applications for the registration of trade marks were received from the following countries in the numbers indicated: New Zealand, 1565; United States, 888; United Kingdom, 393; Australia, 302; Germany, 132; Japan, 121; France, 98; Switzerland, 75; The Netherlands, 32; Italy, 30; Sweden, 30; Denmark, 30; Canada, 19; China, 18; Panama, 15; Spain, 12; South Africa, 8; Korea, 8; 23 other countries, 52.

After search and examination 2979 applications were accepted, 2840 were registered, and 3456 existing registrations were renewed.

During the year 342 searches were made for the Companies Office in respect of the names of new companies seeking registration. Twenty-seven oppositions were filed against applications to register marks and 32 applications for rectification of the register. One thousand, one hundred and seven requests were answered for searches and preliminary advice on the registrability of marks prior to application.

#### General

While there was a marked drop in the total number of applications for all types of industrial property protection in the 1974-75 year this trend has been reversed. Although the increase is only 6 percent over last year's figures and the total has not yet reached that of 2 years ago, it has been most marked over the last 6 months, when the number of applications was 17 percent higher than in the corresponding period last year. In so far as the number of applications for industrial property protection may be an index of business confidence such an increase is welcome.

Recent annual reports have expressed concern about the difficulty in obtaining and retaining experienced staff in the Patent Office. This difficulty exists not only in the patent examining field where professionally qualified persons are necessary, but also in the formalities examining area where often complicated legal formality requirements have to be applied. Unfortunately the number of persons involved in this work is small and promotion prospects within the Patent Office are extremely limited. This results in a continuing loss of trained and efficient staff and an increasing amount of the time of senior staff must be spent in training replacements. A substantial number of the staff have indicated that they will not be moving with the office to Lower Hutt and urgent attention must be given to the staffing requirements of the office if this move is to be accomplished without excessive staff loss. The number of staff in the Patent Office is small and the loss of a few persons in key positions can have consequences far out of proportion.

### GENERAL ADMINISTRATION

#### Head Office Organisation

The continuing heavy workloads have been countered by strengthening and developing the organisation to cope as far as possible with the growth of the department and the demands made on it.

The office inspectors were increased to enable the examination of work and control of systems to be brought up to date in our 168 offices in 8 separate divisions throughout New Zealand. If the inspectorate can be adequately manned, we intend to maintain a 2-yearly inspection cycle throughout the department. In the past, office inspectors have frequently been used perforce for ad hoc investigative or administrative tasks, but I am anxious to stop this practice. Instead these functions will be carried out by a small advisory section to be set up in head office as soon as staffing limitations allow. The staff of the Management Services Section was also increased during the year.

Department of Justice head office moved into four floors of the new Charles Fergusson Building in November. Before the move, head office staff were housed in five different buildings in often quite unsatisfactory conditions. The opportunity was taken to equip the office with new furniture and fittings, manufactured to a highly satisfactory standard by prison industries mainly at Wi Tako, Auckland, and Mt. Eden.

#### Regional Offices

Investigations into the formation of a regional office in Auckland that would consolidate and co-ordinate servicing functions have been carried out and it seems clear that this would yield greater efficiency in areas of public relations as well as clerical servicing. However, because it would mean some net increase in expenditure in accommodation and staff, it has been deferred.

#### Staff Ceilings

The growth in demand for the department's services over almost the whole range of its activities has made the control of staffing and staff ceilings a critical function in head office. Most of the department's activities involve the rights and liberties of the citizen, and in these areas priority allocation is difficult. The department reached its staffing limit in November, and continual reallocation of priorities and consequent redeployment of staff occupies considerable time.

#### Finance

Excluding electoral costs and receipts, excess of expenditure over revenue was \$21,372,759. The department budgeted for a net expenditure of \$17,389,050. Consolidated Revenue Account was overspent by \$3,153,818 and Works and Trading Account underspent by \$1,476,323, while receipts fell short of the estimate by \$2,306,214. The increase of net expenditure over that for the year ended 31 March 1975 was \$4,985,877 mainly as a result of increased salaries and wages, rising costs, and increased work load.

Details of the department's operations (excluding electoral) during the 1975-76 financial year are:

	Expenditure	Revenue	Net Expenditure
	\$	\$	\$
Consolidated Revenue Account ..	35,691,868	19,342,786	16,349,082
Works and Trading Account ..	5,023,677	..	5,023,677
<b>Totals .. ..</b>	<b>\$40,715,545</b>	<b>\$19,342,786</b>	<b>\$21,372,759</b>

G. S. ORR, Secretary for Justice.

## APPENDIX I

### PENAL STATISTICS FOR THE YEAR ENDED 31 DECEMBER 1975

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

Table A: Summary of Receptions

	1971			1972			1973		
	M.	F.	T.	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers) ..	10 559	678	11 237	10 113	683	10 796	9 462	510	9 972
Individual persons ..	5 406	289	5 695	5 191	310	5 501	4 776	214	4 990

  

	1974			1975		
	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers) ..	9 788	591	10 379	9 811	572	10 383
Individual persons ..	4 601	208	4 809	4 795	240	5 035

#### 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
1974 .. ..	15.79
1975 .. ..	16.22

\*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	Sexual	Other Offences	
1969	143	364	1 809	45 9	1 624	41 2	3 940
1970	158*	481*	2 012*	42 0*	2 160*	44 8*	4 861
1971	132	555	2 334	40 6	2 533	47 0	5 695
1972	150	584	2 234	40 6	2 280	46 1	5 501
1973	188	685	1 808*	38 7*	2 180*	46 3	4 990
1974	181	576	1 808*	38 7*	2 180*	45 5*	4 809
1975	155	612	2 154	42 76	2 115	42 00	5 035

Table C: Length of Sentence

Term of Sentence	Number of Prisoners				
	1971	1972	1973	1974	1975
Imprisonment of—					
Under 1 month	1 224	1 020	933	863	569
One month and under 3 months	892	1 010	803	817	818
Three months and under 6 months	539	495	490	457	491
Six months and under 12 months	797	704	700	629	839
One year and under 3 years	670	714	641	580	666
Three years and under 5 years	94	133	109	105	150
Five years and over (excluding life)	23	46	23	43	51
Life	5	3	10	5	8
Borstal training	889	813	719	763	896
Detention in detention centre	558	563	561	545	586
Preventive detention	4	..	1	2	1
Totals	5 695	5 501	4 990	4 809	5 035

Table D: Nationality of Prisoners

Year	New Zealand-born (Excluding Maoris)	Maoris	British and Foreign	Total
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	2 437	1 886	712	5 035

Table E: Age of Prisoners

Age Group	1971	1972	1973	1974	1975
Under 20	1 841	1 829	1 736	1 686	1 701
20-24	1 724	1 535	1 405	1 301	1 538
25-29	701	702	667	590	686
30-39	719	732	636	623	602
40 and upwards	710	683	546	609	508
Totals	5 695	5 501	4 990	4 809	5 035

\*Revised figures.

Table F: Prisoners—General Summary, 1975

Name of Penal Institution	Prisoners Received, Discharged, etc.								Greatest Number in Prison at One Time	Least Number in Prison at One Time	Daily Average Number of Prisoners			
	In Prison at Beginning of Year		Received During Year		Discharged or Transferred During Year		In Prison at End of Year				M.	F.		
	M.	F.	M.	F.	M.	F.	M.	F.						
Arohata (women's reformatory)	..	9	..	118	..	115	..	12	..	50	36	..	42	
Arohata (women's borstal)	..	39	..	93	..	82	..	50	..	14	6	..	9	
Auckland	178	..	294	..	275	..	197	..	198	..	158	..	181	
Christchurch <sup>1</sup>	292	..	1 333	..	1 338	..	287	..	339	..	265	..	303	
Christchurch (women's prison)	..	26	..	108	..	95	..	39	..	41	24	..	31	
Dunedin <sup>5</sup>	..	..	..	550	..	511	..	39	..	54	..	..	32	
Invercargill	..	1	..	89	..	82	..	8	..	10	..	..	4	
Invercargill (borstal institution)	193	..	348	..	317	..	224	..	230	..	179	..	210	
Kaitoke (youth centre)	21	..	39	..	39	..	21	..	25	..	9	..	19	
Mount Eden	238	11	3 656	262	3 565	258	329	15	368	17	231	4	300	
Napier	33	..	557	..	545	..	45	..	62	..	25	..	46	
New Plymouth	55	..	280	..	278	..	57	..	66	..	51	..	57	
Ohura	32	..	117	..	104	..	45	..	47	..	27	..	36	
Rolleston	69	..	114	..	112	..	71	..	71	..	54	..	65	
Rolleston (detention centre)	35	..	270	..	270	..	35	..	66	..	23	..	41	
Tongariro (prison farm detention centre)	66	..	468	..	470	..	64	..	90	..	37	..	62	
Tongariro (prison farm)	205	..	535	..	506	..	234	..	249	..	196	..	224	
Waikeria (reformatory)	49	..	574	..	568	..	55	..	67	..	29	..	47	
Waikeria (borstal institution)	393	..	481	..	496	..	378	..	420	..	344	..	371	
Waikeria (detention centre)	10	..	401	..	410	..	1	..	21	..	..	..	7	
Waikura (Erua)	79	..	218	..	204	..	93	..	117	..	78	..	92	
Waipiata (youth centre)	54	..	87	..	81	..	60	..	71	..	34	..	53	
Wanganui	44	..	275	..	264	..	55	..	67	..	36	..	46	
Wellington	150	..	1 436	..	1 404	..	182	..	187	..	122	..	160	
Wi Tako (Trentham)	150	..	281	..	276	..	155	..	193	..	143	..	171	
Minor prisons and police jails	8	..	673	43	680	43	1	..	..	..	..	..	..	
Police lock-ups <sup>2</sup>	..	..	57	6	57	6	..	..	..	..	..	..	..	
Totals	2 355	85	13 133	631	12 852 <sup>3</sup>	600 <sup>3</sup>	2 636	116	..	..	..	..	2 527	91

<sup>1</sup>Comprises Papanui and Addington Prisons. <sup>2</sup>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. <sup>3</sup>Includes 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. <sup>4</sup>Greatest number, least number, and daily average number omitted, as the largest institution in the group (Dunedin Police Jail) closed early in 1975. <sup>5</sup>Dunedin Men's Prison opened in April 1975.

APPENDIX II

PROBATION STATISTICS FOR THE YEAR 1975

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

Year	Males	Females	Total
1971	3 616	658	4 274
1972	3 916	771	4 687
1973	4 510	801	5 311
1974	4 785	862	5 647
1975	5 769	1 000	6 769

(b) Probationers who committed breaches or fresh offences during the year ended 31 December 1975:

	Males	Females	Total
Breaches (section 10, Criminal Justice Act 1954)	646	131	782
Committed further offences	591	58	649
Absconders	111	20	131

(c) Ages and terms of probation of the offenders released on probation during 1975

	4 mths.		6 mths.		8 mths.		9 mths.		1 Year		15 mths.		16 mths.		17 mths.		18 mths.		20 mths.		21 mths.		22 mths.		2 Years		2½ Years		3 Years		Total		Grand Total	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.				
Under 17	..	..	..	..	..	..	..	..	269	54	54	2	2	..	1	..	256	46	..	..	..	..	..	..	110	21	..	..	6	2	698	125	823	
17-18	..	..	..	..	..	..	..	..	428	90	71	12	4	..	1	..	331	62	..	..	..	..	..	..	139	31	..	..	8	2	982	198	1 180	
18-20	..	..	..	..	..	..	..	..	731	115	86	9	3	..	4	..	424	76	..	..	..	..	..	..	184	44	..	..	8	2	1 446	246	1 692	
20-25	..	..	2	..	1	..	..	..	762	113	78	8	11	..	..	..	428	65	2	..	..	2	..	..	188	39	..	..	14	6	1 490	231	1 721	
25-30	..	..	..	1	..	..	..	..	255	37	39	2	4	..	..	..	138	27	2	..	..	..	..	..	63	21	..	..	8	1	510	88	598	
30-40	..	..	..	..	..	..	..	..	204	42	22	3	4	..	..	..	111	20	..	..	..	..	..	..	44	13	..	..	10	..	396	78	474	
40-50	1	..	1	..	..	..	..	..	97	12	7	..	1	..	..	..	37	10	..	..	..	..	..	..	15	6	..	..	6	..	165	28	193	
50-60	..	..	..	..	..	..	..	..	30	3	3	..	..	..	..	..	8	1	..	..	..	..	..	..	11	1	..	..	..	..	58	5	63	
60-70	..	..	..	..	..	..	..	..	12	2	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	2	..	..	..	2	..	18	3	21
70 & over	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	1	..	..	..	4	..	4	
Totals	1	..	4	..	1	..	1	..	2 789	468	360	36	29	..	6	..	1 735	307	4	..	3	..	1	..	758	177	7	..	68	14	5 767	1 002	6 769	

## (d) Summary of cases dealt with in 1975:

	Released on Probation		Total
	Males	Females	
Number reporting 1 January 1975 .. ..	5 548	1 054	6 602
Released on probation during year .. ..	5 769	1 000	6 769
Totals .. .. .	11 317	2 054	13 371
Completed probation during the year .. ..	4 251	791	5 042
Resentenced on original charge .. .. .	37	6	43
Committed further offences .. .. .	591	58	649
Left New Zealand .. .. .	4	2	6
Absconded not found .. .. .	111	20	131
Deceased .. .. .	34	2	36
Discharged by court .. .. .	164	32	196
Totals .. .. .	5 192	911	6 103
Number reporting as at 31 December 1975 .. ..	6 125	1 143	7 268

## (e) Financial disbursement year ended 1975:

	\$
Restitution .. .. .	182,134.64
Fines and costs .. .. .	160,618.75
Unofficial money .. .. .	400,919.44
Total .. .. .	\$743,672.83

## (f) Pre-sentence reports during the year 1975:

Supreme Court	Magistrate's Court	Children's Court	Total
659	15 105	739	16 503

## APPENDIX III

## (a) Parole

	Males	Females	Total
Number reporting 1 January 1975 .. .. .	1 818	99	1 917
Released on parole .. .. .	2 275	115	2 390
Totals .. .. .	4 093	214	4 307
Completed parole during 1975 .. .. .	1 743	87	1 830
Committed further offences .. .. .	368	17	385
Recalled under section 36 (Criminal Justice Act 1954) .. ..	25	4	29
Left New Zealand .. .. .	14	..	14
Absconded not found .. .. .	40	8	48
Deceased .. .. .	8	..	8
Discharged by Parole Board .. .. .	12	2	14
Totals .. .. .	2 210	118	2 328
Number reporting as at 31 December 1975 .. ..	1 883	96	1 979

## (b) Probationers who have committed breaches of probation during the year ended 31 December 1975:

Breaches (section 39, Criminal Justice Act 1954) .. ..	267 Males
	24 Females
Total .. .. .	291

## APPENDIX IV

## (a) Periodic detention statistics for the year ended 31 December 1975:

	Residential	Non-residential	Total
Number reporting 1 January 1975 .. .. .	204	973	1 177
Sentenced to periodic detention .. .. .	720	2 979	3 699
Totals .. .. .	924	3 952	4 876
Term expired during 1975 .. .. .	540	2 436	2 976
Committed further offences .. .. .	116	222	338
Absconded .. .. .	37	77	114
Deceased .. .. .	2	3	5
Discharged by court .. .. .	15	50	65
Totals .. .. .	710	2 788	3 498
Number reporting as at 31 December 1975 .. ..	214	1 164	1 378

## (b) Periodic detainees who committed breaches of their orders for the year ended 31 December 1975:

Breaches (section 21 (i) (a), Criminal Justice Act 1954) .. .. .	190 Residential
	387 Non-residential
Total .. .. .	577

## APPENDIX V

## Court of Appeal

	No. Filed	No. Allowed	No. Dismissed
Criminal—			
Appeals against conviction .. .. .	36	4	25
Appeals against conviction and sentence .. .. .	41	10	15
Appeals against sentence .. .. .	74	11	63
Cases stated .. .. .	4	2	2
Civil—			
Appeals or cases stated .. .. .	105		79
No. of sitting days 138 .. .. .			

## Supreme Court

	1971	1972	1973	1974	1975
Writs .. .. .	3 818	3 871	3 702	4 559	4 773
Divorce petitions .. .. .	4 083	4 273	4 746	5 384	6 236
Probate applications .. .. .	15 269	15 652	16 049	16 512	16 414
Chattel securities registered .. .. .	26 226	34 234	30 510	21 942	23 881
Criminal trials .. .. .	505	535	466	587	674
Committals for sentence .. .. .	112	157	54	156	134

## Magistrates' Courts

	1971	1972	1973	1974	1975
Civil—					
Plaints .. .. .	121 176	129 279	114 138	126 417	145 688
Judgment summonses .. .. .	28 822	28 661	25 580	25 139	25 245
Warrants .. .. .	40 292	41 660	37 794	37 173	41 082
Totals .. .. .	190 290	199 600	177 512	188 729	212 015

## Criminal—

	1971	1972	1973	1974	1975
(Including traffic offences) .. ..	316 735	317 172	363 085	420 873	489 755
Traffic offences .. ..	196 902	180 487	223 697	270 281	318 967
	1972	1973	1974	1975	
Total revenue .. ..	\$6,224,645	\$7,822,600	\$8,991,363	\$9,351,680	
Total number of fines imposed .. ..	199 688	228 222	255 857*	270,795	
Total amount of fines imposed .. ..	\$6,783,752	\$8,025,594	\$9,548,998	\$10,554,169	
Total number of fines remitted .. ..	5 217	4 168	5 576	5 305	
Total amount of fines remitted .. ..	\$158,399	\$169,395	\$181,991	\$206,807	
Total number of fines in respect of which warrants of committal were issued and defendants imprisoned .. ..	4 308	3 542	1 866†	1 998	
Total amount of fines in respect of which warrants of committal were issued and defendants imprisoned .. ..	\$228,081	\$222,790	.. ‡	\$158,373	
Total number of fines in respect of which warrants were issued to enforce payment .. ..	62 276	72 548	31 164§	4 416	
Total number of summonses for examination issued .. ..	..	..	21 425	36 530	
Number of examinations held .. ..	..	..	1 318	4 853	

## Domestic Proceedings—

Applications .. ..	9 615	9 661	10 674	11 681
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\*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 seven 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.

## Bankruptcy and Company Liquidations

	1970	1971	1972	1973	1974	1975
Bankruptcies .. ..	534	401	467	252	254	361
Company liquidations ordered by court .. ..	68	75	72	75	75	171

# END

*7 ables/more*

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