



REPORT  
OF THE  
✓ DEPARTMENT  
OF JUSTICE  
FOR THE YEAR ENDED  
31 MARCH 1978

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

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## THE YEAR IN RETROSPECT ACQUISITIONS

The year 1977 happily saw few dramatic events or administrative crises for the department and the breathing space thus provided was more than welcome. However the seemingly inexhaustible capacity of the commercial world to generate problems calling for emergency legislation was again evidenced by the passing of the Chateau Companies Act. This was in part a by-product of the Securitibank collapse. The Securities Advertising Bill on the other hand marked the first major considered reform of business law for some time. The passage of legislation to prevent irresponsible and misleading solicitation for funds, if it is effectively administered and perhaps complemented by legislation regulating the transfer of securities, should go a long way towards limiting losses by investors and avoiding the need for special interventions by Parliament. It would however be idle to see this or any tolerable legislation as a panacea. Free enterprise and risk taking go hand in hand, and in any event there are limits on the extent to which the unwise can properly be saved from their folly.

Although the growth in the business of the courts slowed down our resources are still stretched to maintain the system with the efficiency that the public has rightly come to expect. The length of time that sometimes elapses before a civil or domestic case can be heard is a source of real anxiety to us. The increases in the number of Judges of the Court of Appeal and the Supreme Court and the building up of the Magistracy to close to full strength should effect some improvements. However the problem of rising caseloads cannot be solved merely by multiplying judicial officers. The department awaits with very great interest the report of the Royal Commission on the Courts.

The number of convicted prisoners in penal institutions levelled off and indeed declined slightly during the year. In contrast the number of inmates held awaiting trial has substantially increased and is high by New Zealand standards. This has created its own stresses and strains. The facilities available for remand inmates are often not good and persons in custody awaiting trial are in many respects less well off than convicted prisoners. It may well be that priority should now be given to establishing adequate remand facilities in the main centres. This itself will release needed medium security accommodation for convicted prisoners who require that degree of security.

The past year was another successful one for law reform. It was dominated by the passing of the Human Rights Commission Act, The first members of the Commission have now been appointed. While much of the public interest and discussion on this bill understandably centred on its equal opportunities aspects and especially on the important provisions proscribing discrimination on grounds of sex, the scope of the bill and of the Commission's functions are much wider than this. I instance the power of the Commission to report on the implications for human rights of any proposed legislation, regulation, or Government policy. There has thus been brought into our constitutional system the somewhat novel and potentially salutary concept of a "human rights audit" before a measure is adopted or a Bill introduced into Parliament.

Our own experience is that Parliament through its select committee system is playing a larger role than formerly in the shaping of at

least what may be called law reform legislation. In last year's report I adverted to the increasing tendency for interested groups or individuals to make submissions on a particular Bill. This is by no means confined to those whose interest is purely a matter of the pocket. I believe too that parliamentary committees are more ready than they were even a few years ago to alter Bills in details and in principles alike. This trend must be a source of gratification for those who wish to see our parliamentary system strengthened but I do not know that the public at large is fully aware of it. For our part I merely observe that the resulting prolonging of committee hearings and deliberations creates a need for larger numbers of parliamentary counsel and skilled departmental officers if the quality of assistance given to committees is to be maintained.

### COURTS DIVISION

#### Sir Richard Wild

The late Chief Justice, Sir Richard Wild, retired in January because of failing health. He died on 22 May 1978. He was a great Chief Justice and New Zealand has lost one of its most distinguished lawyers and judges.

Sir Richard assumed office in 1966 at a time when court business, particularly crime, was on the increase. It continued its relentless upward pressure throughout his term. No one appreciated more than he the truth of the old maxim that justice delayed is justice denied. It was his constant concern to ensure, as far as he could, that the business of the courts was dispatched promptly. In addition to great judicial ability, Sir Richard proved to be an outstanding judicial administrator. But for his quality and for his tireless labours the machinery of justice in the Supreme Court might well have seized up. Some said that in pursuit of his goal he drove himself too hard. Certainly he led by example.

Sir Richard had a profound understanding of the need for an independent judiciary. He saw simply and clearly that a democratic society such as ours will remain truly democratic only if the judiciary stands without fear or favour between citizen and citizen, and equally if not more importantly between the citizen and the State. His deep and unfailing commitment to this ideal was singly his greatest contribution as Chief Justice. He had the strength, courage, and wisdom to ensure that the judiciary remained truly independent.

While quick to defend the court from unwarranted attack, he was aware at the same time that the court must earn respect, and that no institution, including the courts, was immune from scrutiny. He took great pains, particularly in criminal jury trials, to explain to the jury and others appearing before him the nature of the proceedings and the respective roles of those involved in such proceedings.

Sir Richard, while exacting in his standards, attracted a high degree of loyalty from all court staff. They, and all others in the Department of Justice who were associated with him, mourn his passing.

### Judicial Officers

#### Judges

Appointments—The Rt. Hon. Sir Ronald Davison, Chief Justice; the Rt. Hon. Mr Justice Richardson; the Hon. Mr Justice Vautier; the Hon. Mr Justice Sinclair; the Hon. Mr Justice Mills (temporary).

Retirements—The Hon. Mr Justice Wilson; the Hon. Mr Justice Henry (temporary); the Hon. Mr Justice Coates (temporary).

#### Magistrates

Appointments—Mr A. D. Richardson, S.M.; Mr J. S. Bisphan, S.M.; Mr P. J. McAloon, S.M.; Mr P. J. Duncan, S.M.; Mr J. R. Callander, S.M.; Mr P. D. Mahoney, S.M.

Retirement—Mr J. D. Kinder.

Death—I record with regret the death of Mr C. E. H. Pledger, S.M.

It was fortunate that during 1977 the expected continued increase in the volume of criminal business did not eventuate, principally because of a reduction in the number of traffic prosecutions. It appears however that this was not brought about by a reduction of actual offending or a change in policy. The coming year may therefore see a return to the previous upward trend.

Most other sections of court business showed slight increases or remained at the level of the previous year, so that the overall effect was a marginal increase in volume. The trend was not uniform throughout the country and of particular concern was the increase in prosecutions handled by the Auckland Magistrate's Court. A substantial number of these offences are local body traffic prosecutions, many of which I believe could more appropriately be dealt with under the infringement scheme. Unfortunately certain aspects of this scheme discourage its use by local authorities. This aspect is under consideration now.

#### Justices of the Peace

The year 1977 was notable for the implementation of the Justices Judicial Training Course at the Technical Correspondence Institute in Lower Hutt. It is obviously most important that persons who are prosecuted in our courts have faith in our judicial system and in the ability as well as the integrity of the persons who preside in those courts. The training course and the *Manual for Justices of the Peace* published by the Department as a basic text for the course, and edited by Mr B. H. Blackwood, S.M. of Auckland are directed to ensure that this faith is justified.

With proper safeguards I can see no reason why, in the future, trained justices should not continue to play an important role in our judicial system. If we are to concentrate our professional judicial resources on matters demanding a full degree of legal skills professionals must be used in the more routine activities.

I regard it as almost equally important that lay justices be drawn from a true cross section of society. At the present time women and ethnic minorities are seriously under-represented as justices of the peace. This disproportion becomes even more marked among justices who actually sit in court. An overwhelming preponderance are male,

of British ancestry, and above middle age. The demands of employment and financial and family considerations are doubtless among the reasons why women, people from ethnic minorities, and younger people do not participate to the same degree.

What I have said should not be allowed to detract in any way from the excellent voluntary work that is being undertaken in both the ministerial and judicial areas by many justices throughout New Zealand.

#### **Administration**

The relative lull in the growth of business after several years of frenetic activity allowed the opportunity to review the distribution of staff and grading structures. This, together with the junior officers' training programme introduced in 1976, marks the start of a systematic effort to ensure that the courts of the future will be staffed by officers fully trained and equipped to meet the demands that will be placed on them. Particular emphasis will be placed on a more formal training programme for court officers with emphasis on administrative, management techniques, and human relations as well as the judicial aspects of their work.

#### **Bailiffs**

In some ways these officers have been the unsung heroes of this division. They handle a difficult and often personally unrewarding facet of court business with little public appreciation of the role they play in the judicial system. Often they are the only point of contact between the public and the court. Since 1975 bailiffs have been involved in the enforcement of fines. When one considers the emphasis placed on the fine as a penal sanction (85 percent of convictions in Magistrates' Courts result in a fine) and recognises that any sanction can only be as effective as the enforcement action which ensures compliance, the importance of the bailiff as an enforcement officer can be appreciated. Bailiffs are also involved in their more traditional functions in the civil jurisdiction of the courts, and now also in the even more difficult and delicate area of domestic proceedings. We will be reviewing in 1978 the training programme for bailiffs and their work procedures and techniques.

#### **Small Claims Tribunals**

Small claims tribunals were set up as a pilot project in Christchurch, New Plymouth, and Rotorua in June 1977 following the passing of the Small Claims Tribunals Act 1976. The purpose of the pilot study was to test the effectiveness of the scheme as a means of dealing with small disputes (up to \$500) without the expense and inevitable delay of more formal civil litigation.

Similar tribunals have been operating overseas for some time but their jurisdiction has been restricted largely to claims arising out of contract and generally in respect of disputes between consumers and traders. We have taken a slightly more venturesome approach. Our legislation gives jurisdiction in respect of a wider range of contract claims and certain claims in tort, notably those resulting from negligence in the use, care, or control of a motor vehicle. It would seem from the nature of the claims filed in the first 6 months that such an approach has been justified. Of the 535 applications filed,

172 were for disputes arising from causes other than for faulty goods or faulty work.

An active and continuing publicity programme has been followed by registrars and referees of each tribunal. Most of this publicity has been localised, using the normal media such as local press, news broadcasts, radio talkback programmes, and television. The Department has published a pamphlet about small claims tribunals. This is available from agencies such as citizens advice bureaux and from court offices.

Some administrative problems have been experienced related mainly to procedural matters involving the enforcement of orders, and the transfer of proceedings from the Magistrate's Court jurisdiction. Some criticism has also been made of the restrictive nature of the claims which can be brought before a small claims tribunal. A reassessment of the jurisdictional limit of \$500 may need to be made.

The results of the pilot study support the concept and the effectiveness of the scheme. Consideration should now be given to extending the operation of the scheme to other centres but this must depend on the availability of financial and human resources.

#### **Tribunals Division**

The Tribunals Division currently services 21 boards and authorities. During the past year it has assumed administrative responsibility for The Waitangi Tribunal formerly administered by the Department of Maori Affairs, and the Abortion Supervisory Committee established under the Contraception, Sterilisation, and Abortion Act 1977.

The Abortion Supervisory Committee reports under its own legislation as do the Licensing Control Commission, the Auckland, Wellington, and Christchurch Motor Vehicles Disputes Tribunals, and the Broadcasting Tribunal. Collectively these six tribunals, together with the Town and Country Planning Appeal Boards make up the bulk of the Division's administrative activity.

The number of appeals dealt with in the area of town and country planning continues to grow. One thousand one hundred and eighteen were lodged this year reflecting a 27 percent increase over the previous year. With new legislation in the field of planning to come into force on 1 June 1978 existing boards will be replaced by a planning tribunal of three full time divisions each presided over by a magistrate. The work of the Social Security Appeal Authority (158 appeals) and of the Legal Aid Appeal Authority (135 appeals) continues to increase. The largest increase in volume occurred in the area of the Accident Compensation Appeal Authority where 142 appeals were lodged as opposed to 74 in the previous 12 months.

Generally speaking, to meet the convenience of the parties and others involved, the various tribunals endeavour to hold their sittings in the locality where the particular application, dispute, or appeal arose. With members residing in various centres throughout the country, it is only to be expected that a major portion of the division's overall expenditure occurs in the area of travel and accommodation. This also places demands on the secretarial staff. Nonetheless it is the Department's policy that persons seeking relief before administrative tribunals should be able to do so with a minimum of delay and a maximum convenience of access.

### Wanganui Computer Centre System

Considerable progress has been made with the Wanganui computer centre system and it is now an integral part of day-to-day court functions. All but Ministry of Transport and local body traffic cases are now being processed through the Wanganui system.

The only area not fully operational is fines enforcement. With the large sum of money now imposed annually in fines (\$13,203,689 in the last calendar year), not to mention the need to maintain the integrity of the fine as a penal sanction, it is essential that there be maximum efficiency of enforcement and accounting. I am most anxious therefore to see use made of the Wanganui centre for this purpose. I believe that the centre has the technical capacity to do it.

The ability to transmit messages between offices by medium of the Wanganui system continues to provide a most useful facility.

### PLANNING AND DEVELOPMENT DIVISION

The Planning and Development Division, mentioned in last year's report, is now a reality.

Hitherto forward planning outside the legislative field has been done separately by the Head Office components of the various divisions. The pressure of day-to-day administration has, however, had to take priority. Moreover many problems affect more than one division and there has been a need for greater co-ordination at the policy development stage. The new division will have responsibility for research outside the area of law reform, advisory services (other than legal), and information activities. Generally it will have to do with the initiation, development, an implementation of administrative policies in relation to all divisions of the Department.

The Research Section has now become a unit of the Division. Its responsibilities will be expanded to undertake research of both a "pure" and "applied" nature designed to facilitate forward planning and policy development over a much wider range of the Department's activities. In the past year the unit did work on criminal violence and violent offending, bail, custody and remand, violence on the road, and civil debt, and debt enforcement. It was involved in the compilation of data and information for presentation to the Royal Commission on the Courts. A major study into legal aid, legal services, and community needs for these services is now being designed. It is hoped that this study can be commenced soon.

The Department continues to liaise closely with the Institute of Criminology and university faculties concerned with criminology and sociological research. This year the Department has made available funds for research which may be granted to an individual or organisation for study in any field related to the functions and objectives of the Department. You have recently approved a grant to the Applied Research Office of the University of Auckland.

I commented in an earlier report that much more needs to be done to inform the public of the responsibilities imposed on or the rights given to them by legislation administered by the Department and to give more information generally about the legal system. A start has been made on this with three series of pamphlets—legal assistance, legislation, and general information. In the legal assistance series

pamphlets have been published entitled *Legal Aid for People Charged with an Offence* (an explanation of the duty solicitor and offenders legal aid schemes); *Legal Aid for People Involved in Civil Court Cases*; *Learn to Budget Successfully* (information about the summary instalment scheme for people who have been sued for debt), and a pamphlet explaining race relations and rights under the Race Relations Act. The pamphlets relating to offenders legal aid and race relations have been translated into Maori and the various other Polynesian languages, and other translated versions are being prepared.

Three publications have been issued in the legislation series—on the Matrimonial Property Act, Small Claims Tribunals, and the Human Rights Commission Act. A further two, one on the rights and obligations of landlords and tenants, and another on the rights of individuals under the Unsolicited Goods Act 1975, will be available shortly. These publications have been widely distributed and are available from court offices and other Government department offices as well as various non-government organisations such as citizens advice bureaux. The pamphlet explaining the Human Rights Commission Act is also to be published in the native languages of significant minority ethnic groups.

### LAW REFORM DIVISION

One of the functions of the Law Reform Division is to service the five standing law reform committees. Unhappily lack of staff within the Division, particularly of experienced officers, has restricted the degree of assistance the Department has been able to provide in the past. This relates particularly to research assistance. If the law is to reflect, in a timely way, changes within society, we must and will give this aspect of our work greater priority notwithstanding staff restrictions and the other demands on our services.

Nearly 12 years have passed since the first standing law reform committees were established and it is perhaps an opportune time to take stock of what has been achieved and where we go in the next decade. I propose to put in hand a comprehensive review of the machinery of law reform and its future programme.

The five Bills referred to in last year's report as being held over from the 1976 session were enacted in 1977. They were the Human Rights Commission Act, the Insurance Law Reform Act, the Land Valuation Proceedings Amendment Act, the Securities Transfer Act, and the Judicature Amendment Act.

An important amendment was added to the Judicature Amendment Bill affecting the constitution of the Court of Appeal. The number of judges of that court was increased by one and the court was authorised to sit in divisions. To enable this to be done the provisions relating to temporary judges were also amended. In the Magistrates' Courts the number of magistrates who may be appointed was increased from 60 to 65.

A number of reports of law reform committees were implemented through legislation during the last session of Parliament. The Contractual Mistakes Act codified the law relating to mistake in the law of contract; the Trustee Amendment Act increased certain monetary limits in the Act; the Wills Amendment Act changed the law relating

to wills where the testator is divorced subsequent to the making of his will. The Judicature Amendment Act and the Insurance Law Reform Act also implemented committee reports. The Fencing Bill and the Carriage of Goods Bill, which were based on further reports, were introduced and held over for recess study. Other Bills that were held over were the Securities Advertising Bill which regulates the raising of money from the public for investment or management; the Status of Children Amendment Bill which clarifies the duties of trustees and others in seeking a grant of administration; and the Massage Parlours Bill which sought to control the use of such places for criminal activities. The Evidence Amendment Act (introduced as a private member's Bill) restricts the defence's right in a trial for rape to cross-examine a complainant on her previous sexual experiences or her reputation in sexual matters.

Overall, it may fairly be said that 1977 was a year of worth-while achievement in the work of improving the law and it gave promise of a continued fruitful co-operation between the political and administrative branches of the Government, the legal profession and others concerned to make the law more just and more relevant. I mention in passing that good law reform may not mean more law, nor need it mean more control and regulation. It is often overlooked that much legislation of this type replaces old statutes or rules of the common law that have become unsatisfactory or out of keeping with the spirit of the age.

#### FEMALE OFFENDING

Little has been written or mentioned on this subject since the publication of *Crime in New Zealand* in 1968. However, an examination of the available information indicates that, as is the situation in society in general, the position and status of women as offenders has changed dramatically over the last 10 years.

During this period the rate of total charges brought against women has increased by 94 percent. In 1967 the number of charges per 1000 of female population was 17. Within 10 years this figure has virtually doubled and in 1976 stood at 33. The actual number of charges against females over this period has increased from 22 736 to 51 464. By way of comparison the number of charges against males over the same period has increased by 32 percent although the male rate per 1000 of population is still very much higher than females. In 1976 females were responsible for 13 percent of the criminal workload of Magistrates' Courts.

Within the total framework of criminal offending women do then still play a comparatively minor role. But the facts as I have outlined them raise issues and questions that should not go unnoticed. This is particularly so when an analysis of the nature of offending is made. Most offences committed by women (and by men) are traffic offences but the rate of more serious female offending has increased still more since 1968. Moreover, vagrancy and "victimless" offences traditionally associated with women's offending now play a much less prominent part in the total picture. We now find an emerging pattern of female offending involving more serious crimes such as aggravated robbery, assaults, burglary, and false pretences. Theft (which includes shop-lifting) still figures prominently in the total number of offences by

women but has not increased proportionately to overall offending. The involvement of females in drug offending has also become apparent. In 1976, 190 women were convicted for drug offences compared with only two in 1967.

What the figures creating this portrayal of female offending do not disclose is whether the increase is real in the sense that women are actually committing more offences, perhaps because of their changing role in society. A writer in commenting on the criminality of women contended that the tendency to crime between the sexes was not significantly different but that the "masked" criminality of women hides many offences committed by women from detection. Perhaps the "mask" has been removed and society in general now has less reluctance to report offences and prosecute offences where women are involved.

No doubt the actual reasons are many and complex. However whatever the reasons this development poses problems that cannot be ignored.

#### PENAL DIVISION

##### Prison and Borstal Population

This year has seen a significant drop in the male inmate population which at the end of March 1978 was 2675 compared with 2786 at the end of March 1977. The decrease is almost wholly accounted for by a reduction in the number of young men serving sentences of borstal training (514 compared with 634 at the same time last year).

The total female inmate population rose from 107 to 125 over the same period although there has been no change in the number of girls serving sentences of borstal training.

Whether the present trend reflects a decrease in serious offending by young males, or shorter borstal terms, or whether the courts are applying other sanctions short of custodial sentences, is not clear at this stage. Whatever the reason may be, we are glad to have some respite from overcrowding in youth institutions. Unfortunately, the ill-effects of overcrowding still persist in the major adult institutions although some relief is expected over the next 12 months when the new Wanganui Prison becomes fully operational.

##### Links with the Community

The policy established in May 1975 of allowing inmates in minimum security institutions to make telephone calls to their families and friends continues to operate with beneficial effects. As costs are not met by the Department, it has been necessary in some cases to remind inmates that lengthy toll calls can cause hardship to the person who agrees to accept them.

In 1977, 473 prison inmates were approved for work parole. Of these 383 succeeded in securing and commencing suitable employment. In addition 181 borstal trainees were approved for work parole, 176 actually securing employment and commencing work parole. The scheme thus continues to provide an avenue for reintegration into the general community. Money received by way of board from work parolees totalled \$82,837.91 in 1977, and \$22,615.50 was recovered on behalf of the Department of Social Welfare for the refund of benefits paid to inmates' dependants.

The tighter selection procedure for home leave introduced in 1976 continued in 1977 which resulted in slightly fewer inmates being approved for this privilege; 611 were granted home leave and were paroled on 1234 occasions, during the 1977 year, compared with 665 inmates paroled on 1557 occasions during the previous 1976 year.

#### Staffing

Staff ceilings have imposed some restrictions on recruiting, but within these restrictions, staffing of institutions generally has been at a satisfactory level. Recruitment to vacancies which have arisen has been satisfactory, especially where we have been able to offer the incentive of housing or accommodation in single quarters.

#### Escapes

There were 136 escapes during the 1977 year: 64 from prisons, 45 from youth institutions, 18 from hostels, and 9 from paroles. The pattern of escapes is similar to previous years.

#### Chaplaincy

With the anticipated opening of new institutions at Wanganui and Linton the team of ecumenical chaplains representing the National Council of Churches and the Council of Catholic Bishops will be sharing in the Department's enlarged responsibilities. Wide church and community support is afforded the chaplains in realistic attempts to help inmates in restoring self-respect and finding a responsible place in society. A change in leadership in the N.C.C. team will occur in July when Rev. Rex Goldsmith, M.A. retires after 22 years' association with the Department as chaplain at Napier, Waikeria Youth Centre, and Arohata Women's Borstal, Tawa. For the past 11 years he has served as Senior Chaplain at Head Office. I take this opportunity of recording our appreciation of the work that he has done over such a long period of time. His place will be taken by Rev. Lawrence More who is presently the chaplain at Paremoremo. The Senior Catholic Chaplain, Rev. Father Peter McCormack, has been undertaking a year's special studies at Fordham University in New York; during his absence Father Brian Sherry has acted as liaison with the Department.

#### Psychological Services

Staff ceiling restrictions on numbers have inevitably limited the clinical service provided to individual offenders despite strenuous efforts by staff to maintain them. On the positive side, however, it has resulted in efforts to reach more people through co-operative endeavours with prison staff and probation officers. Among the more notable work done in this way has been in social skills training. Another useful venture worth specific mention was an incentive project for probation supervision carried out at Hamilton. A description of this work has been written and will probably be published.

We have continued to try to improve our in-service training by a series of workshops held on a variety of topics such as the use of bio-feedback equipment, research and treatment methods, and professional practice. These have been most useful both as formal training

and as a means of developing broader appreciation among psychologists of the variety of work within their ranks. A similar programme has been worked out for 1978-79.

Complementary to this has been a significant attendance of psychologists at courses and conferences outside the Department and organised by universities, professional societies, or individuals prominent in a particular field of psychology.

Staff resignations have continued. Doubtless the reasons are many and varied but the inadequacies of the career structure reflected by the present salary scale above the basic level must be a contributory factor.

#### Training and Education

A notable milestone during the year was the opening of the new Prison Staff College at Wi Tako in November. It is well equipped, and has excellent accommodation and classrooms. This facility will enable us to extend staff training to important refresher courses and seminar type studies. During the year approximately 250 officers attended residential courses, and over 400 enrolled for correspondence courses. Officers were also selected to attend courses conducted by other agencies.

A review of the content of courses has resulted in updating present curricula, added to proposals for more extensive training, and revised future prison officer cadet programmes. The prescriptions regulating promotion examinations were revised, and the Certificate in Criminological Studies expanded by arrangement with the University of Auckland.

No additional teachers have been appointed for 2 years and some concern has been expressed by education officers and Department of Education officials that the educational needs of inmates are not being met. Emphasis is still placed on remedial education, but inmate studies range from illiteracy to study for university masters degrees. Several inmates were paroled to attend tertiary seminars necessary for continuing study.

The survey of the scholastic attainment of borstal trainees on reception, gave disturbing but not unexpected results. Of the 340 tested, 34 percent left secondary school within their first year, and at Waikeria approximately 25 percent of inmates had been exempted or expelled from school. This tends to reinforce the theory that offending has a strong correlation with low educational achievement. The inmates' ability to learn approximated that of a normal community, but 20 percent had reading skills equivalent to or less than 10 years, and 60 percent had computational skills at Form 1 or lesser levels.

The proposed establishment in 1979 of a new institution with a curriculum of full-time educational, social, and vocational study will fulfil a much needed role.

#### Prison Industries

A prison industry may be classified as any activity which provides goods or services beyond the confines of the institution. Goods and services are restricted in the main to Government departments, Government corporations and those organisations funded substantially from public monies, e.g. hospitals and schools. A wide range of work is carried out in penal institutions and during the year ended 31 March

1978 73 industries were operating in 19 institutions. A further two will commence operating in the new Wanganui Prison during 1978. In all there are 18 different types of industrial or other undertakings operating including farming, gardening, timbermilling, and fruit growing for outdoor activities and cabinetmaking, tubular steel furniture, bootmaking, and tailoring for those inmates who are held in secure conditions.

Industries are an important part of penal policy. They develop good work habits, provide worthwhile employment and for inmates who show an aptitude for the work and a keenness to make a new start on release they offer an opportunity for training in up-to-date methods and provide an additional avenue for private employment. Our methods and equipment are continually being reviewed and modernised. At the same time they increase the Department's revenue and reduce the cost of prison operations to the taxpayer.

Work within industries is continually increasing and expansion of existing industries or commencement of new industries is always under review. The rather narrow marketing field available for the disposal of prison products does create problems of continued production and is an effective curb on the type of industry which can be carried out in our institutions.

Farming, furniture, laundering, and tailoring provide the bulk of industry revenue. Forestry operations will however, become a high revenue earning industry when larger areas of trees reach millable size. Although there have been small reductions in output in many of our workshops during the year a revenue increase of \$100,000 in farming operations has assisted in increasing revenue overall. Receipts for the year ending 31 March 1978 totalled \$2,953,000 compared with \$2,825,000 last year.

## PRISONERS AID AND REHABILITATION SOCIETY

### Prison Visiting

The Society believes that one of the ways men and women can be encouraged to live a socially acceptable life is by a far greater involvement of volunteers in the penal system, and for many years volunteers from the organisation have regularly visited many of the prisons. In all, it is estimated that there are over 300 men and women involved in this work and many of them have been engaged in it for a number of years, usually on a weekly or fortnightly basis.

The prison visitor seeks to befriend a prison inmate in the best sense of the word. He endeavours to create an atmosphere of trust in which the inmate will share with him some of his frustrations and problems. This is good for the inmate and the institution as it provides a release for pent-up emotions. Further than that, the visitor can demonstrate that he is able to live in a socially acceptable way in society and he is often asked about his own way of life. The fact also that he is part of the world outside helps the inmate to keep a realistic view of the community into which he will eventually be discharged. If it is possible for the prison visitor to keep in touch with the inmate after his discharge, he can be of significant support during this important time of readjustment.

The Society believes that the befriending of prison inmates after discharge offers a great potential for the worthwhile employment of concerned volunteers from the community. A number of overseas countries have schemes utilising volunteers for this purpose. At present many people released into the community have no option but to go back to their old haunts and associates solely to maintain interpersonal relationships.

### Family Visiting

Small groups of women in various parts of the country visit families of prison inmates and endeavour to see that any problems are investigated and brought to the notice of the appropriate authority and that the wife and children are not short of necessities. Assistance is also given in filling out forms for assistance by Government departments and gifts are also given at birthdays and Christmas. The problems and adjustments which face a spouse and family may be easily overlooked and children often undergo serious emotional upsets. The ostracism encountered by them and the remaining parent impose a considerable strain.

### Material Aid

At over 30 centres in New Zealand a representative of the Society is available to provide aid of some kind to ex-inmates and dependants. This assistance can take many forms. It is not given on a long-term basis but the primary aim is to give sufficient assistance to ensure those who receive it are given a fair chance to re-establish themselves in the community.

### Post-release Hostels

The Society continues to operate four post-release hostels on behalf of the Department and a post-release hostel in Auckland on behalf of the St. James Church. These hostels are designed to provide a supportive atmosphere to offenders and are run on the same lines as a family home.

### Accommodation for Relatives

This is provided through the work of volunteers maintaining houses for the purpose of providing accommodation for relatives at four penal institutions. We hope to have a house available at Wanganui soon to cater for inmates of the new Kaitoke Prison. This has meant that many visits now take place which previously would not have been possible and undoubtedly the scheme has helped to maintain the family units of many offenders. This is seen by the Society as vital in the work of rehabilitation.

## PROBATION DIVISION

### Probation Workload

For the first time in over 50 years there was a decline in the total probation workload at the end of 1977. The number released on probation during the year was higher by 50 than during 1976 but the number released on parole following prison sentences declined by

about 100. This may be due to chance factors, or to causes such as the slowing of the birthrate during the 1960s or a change in sentencing practice. However to impute any cause at this early stage would merely be idle speculation.

The rise in the general level of unemployment throughout the country has had a marked effect on the work of probation officers. In some city areas as many as 60 percent of probationers and parolees are unemployed. Idleness brings with it boredom and lethargy and after protracted periods of unemployment the will to work fades. Overseas studies have shown a strong correlation between unemployment and offending. Unemployment, particularly among young people, may give rise to feelings of boredom, betrayal, and irrelevance. These frustrations may lead to aggressive behaviour in the forms of vandalism, violence, and dishonesty. Some officers seek special arrangements for their charges and have good co-operation from officers of the Department of Labour. However if the present state of affairs continues probation officers will be wanting to provide special employment opportunities.

#### **Staffing**

I am pleased to report that probation officers benefited from a revised salary scale and code of conditions of employment approved for social workers last year. No doubt largely as a result of this, the recruitment and retention of staff has improved markedly and the overall staffing position is more stable. Representatives of the Department, the State Services Commission, and the Public Service Association have formed a working party to consider work load guidelines. The lively interest of both staff and management in this exercise has been appreciated.

#### **Office Accommodation**

Along with other social services the growth in the probation service has been very marked over the past 20 years. This has brought constant difficulty in providing adequate and suitable accommodation. Some district offices have been particularly inconvenienced but none more than Otahuhu, Hamilton, and Auckland where whole sections of the offices are located in separate buildings. Efficiency and communication have been adversely affected and so has morale. The responsibility for providing office accommodation rests with the Government Office Accommodation Board, but while I acknowledge problems of finance and availability of suitable space the unsatisfactory nature of some probation office accommodation disturbs me.

#### **Restitution and Compensation**

One of the obvious advantages of releasing an offender on probation is that he has a chance of retaining his earning capacity and is able in appropriate cases to pay compensation. Probation officers do collect a considerable sum of money each year for this purpose. The sum collected in 1977 was \$213,703, some \$2,000 less than in 1976.

We cannot say whether this reduction (which is more significant in real terms than in nominal amount) is because the courts are making fewer orders for compensation or because probation officers are experiencing greater difficulty in times of financial stringency in enforcing these orders. Because of greater unemployment fewer pro-

bationers have the capacity to meet the requirements of orders made against them. Whatever the explanation for this particular trend it seems appropriate to draw attention again to this very useful special condition which may form part of a probation order.

I have said on other occasions that I see reparation (of which compensation is one aspect) as playing a much more important role in penal policy than it has hitherto been given. At a time when concern is understandably expressed that interests of the victims of offences should be properly recognised reparation, more than any other penal sanction, gives a direct link between the offender and the offence and the person who suffers from it. Measures such as periodic detention and community service have an important element of indirect reparation in that services are performed for the community whose order has been disturbed by the offence. I may say in passing that I hope it will be possible to provide soon for community service as a separate sanction instead of merely as a condition of probation.

Direct reparation, where it is practicable and appropriate, has however some special advantages, including that of giving the victim visible confirmation that justice is being done, and hence greater confidence in the judicial system. Reparation in kind may not often be feasible, although I suspect that it may have a valuable part to play in respect of Maori and other Polynesian offenders either as an alternative to prosecution or as a penalty upon conviction. But there will be many cases where monetary compensation from offender to victim is appropriate. The courts already have considerable powers in this respect, and I hope they will be encouraged to make fuller and imaginative use of them.

#### **Reporting Centres**

The past year has seen further extension in the use of probation reporting centres in suburban areas. In this way probation officers spend significant periods of time in the areas where their probationers live and work and are more accessible to them, to their families and their employers. These centres are located in a variety of premises ranging from the "store-front" type of accommodation to citizens advice bureaux, courthouses, and even church halls. We acknowledge with gratitude the readiness with which such premises are made available by local authorities and community organisations.

Along with this effort at decentralisation has come the incorporation into probation districts of some of the work that has previously been done by police probation officers. Probation work in the Coromandel Peninsula and some parts of North Canterbury and Otago has been absorbed by district probation officers thus relieving the Police of extraneous activities. This process will continue but in sparsely populated areas particularly of the South Island it will be uneconomic and impractical for some considerable time.

#### **Probation Hostels**

These hostels continue to operate at Hamilton, Palmerston North, and Whangarei in conjunction with church social service agencies but the Department's Auckland hostel for young women has been forced to close because of lack of use. It will reopen as a pre-release hostel for women prisoners. Small hostels modelled on the family home concept are expensive facilities and financial arrangements are presently

being reviewed. Probation officers assert the need for hostels but occupancy rates must be maintained at an economic level to continue to operate.

#### Periodic Detention

Numbers reporting for periodic detention rose only slightly but there was an increase of 845 in the number sentenced during the year.

Work projects continue to be very diverse with some emphasis on building and renovation of Maori maraes in a number of districts as well as an emphasis on ground maintenance and development of health camps, Intellectually Handicapped Society homes and assistance for the aged and handicapped. With an average of over 2000 actively engaged in physical work for 8 hours each Saturday it is a matter of some satisfaction that the safety record is excellent. This is in itself a tribute to the degree of oversight and care exercised by wardens and those assistants who are employed on a sessional basis to supervise work parties.

### MARRIAGE GUIDANCE AND COUNSELLING

#### Marriage Guidance Council

During the past year 6173 couples came to the various councils for help. The increase was not so great as in previous years and for the first time the number of conciliation referrals from courts actually fell from 2084 in 1976 to 2083 in 1977. The number of interviews given to conciliation cases however, rose slightly in line with the trend for clients referred by the courts to make increasing use of the opportunity to come to terms with their feelings about one another and lay the foundations of a settlement of some of the matters in dispute even when court action seems inevitable.

Of the 1937 cases reported on this year 62 percent were reported back to the court as unsuccessful. In 26 percent of the cases the court was informed that the parties were ready to agree on some of the matters which had been in dispute whilst in 12 percent of the cases the parties resumed the marriage and no further court action was needed. Taking all of the factors and difficulties into account these results are encouraging. It is likely that referral to a counsellor before legal procedures were begun would be even more helpful. The Council's clients reflected a broad perspective of New Zealand society and from this you can assume that the marriage guidance service is accepted by ordinary New Zealanders. Slightly over 12 000 marriage partners were directly affected in 1976-77. To this must be added nearly 11 000 of their dependant children and slightly more than 1000 adults dependent on the marriage. Thus over 24 000 New Zealanders were affected by the work the counsellors did during the year. The results were that 52 percent of the clients said that they had been helped, 33 percent did not believe that they had made much progress, 3 percent were referred for other professional assistance and in 12 percent of the cases the results were not known for a variety of reasons.

The National Marriage Guidance Council is still concerned that people often wait until matters are desperate before they seek assist-

ance and for this reason the Council is continuing to develop its preventative and educational services, work within the schools and with pre-marriage courses. Major developments are occurring in the area of adult and parent education. This year courses in marriage enrichment, parent education, human relations and communication, family and social change, and retirement attracted over 13,000 people.

#### Court Conciliation Service

The Auckland Conciliation Centre undertakes all conciliation cases referred under the Domestic Proceedings Act 1968 from courts at Auckland, Henderson, Otahuhu, and Papakura. There were 1457 referrals during 1977 which is the same number as were dealt with in 1975 when Conciliation cases for the North Shore and Pukekohe courts were also being dealt with by staff at this centre. Two full-time staff and five part-time conciliators are employed.

### COMMERCIAL AFFAIRS DIVISION

Once again Parliament was called on to pass special legislation (Chateau Companies Act) to control a collapse. For the first time the Registrar of Companies petitioned the court to wind up companies whose shareholders were also prime constituents in the companies affected by the Chateau Companies Act. This is another case of unusual methods of borrowing avoiding existing statutory requirements.

You have announced your wish to introduce security transfer legislation in the not too distant future. This is as desirable for the proper regulation of the transfer of securities as the present bill is to the issue of securities. Together, they will provide a framework within which the ordinary member of the public will be given proper, clear, and relevant information upon which to make his own investment decision. The phrase, *caveat emptor*, might then have real meaning.

In May and June last year a management audit of the Division was carried out by a team from the Department and the State Services Commission. Their report recommended higher staffing levels to carry on duties already required of the Division by law. Their recommendations are applicable to both clerical and professional staffs. However, the building of this still relatively new Division to the levels recommended in the management audit report has been affected by difficulty in recruiting suitable qualified professional staff.

Insolvency work in the form of new bankruptcies or company liquidations continues at a rate which is beyond our present capacity to handle promptly and the backlog of work affecting asset recovery, for instance, is creating concern. I note an increase in the numbers of more difficult liquidations. The total number of "live" bankruptcies to the year ended 31 December 1977 grew from 1136 to 1520 estates. A simple increase in the numbers of staff allocated to this work will not be an answer in itself because finding extra staff with the required expertise is most difficult. The problem could be alleviated to some extent by the allocation of more professional officers if they were available, but the real problem is that of recruiting and training sufficient clerical officers in insolvency work.

**Bankruptcy and Company Liquidation Statistics**

	(31 December)				
	1973	1974	1975	1976	1977
Bankruptcies .....	252	254	361	306	417
Company liquidations ordered by court .....	75	75	171	148	205

**Company Registration**

There has been a marked and continuing decline in the number of new companies registered as compared to the previous year. Even so, the overall number on the register is higher than ever before. As a result of the restraints on staff numbers referred to earlier it is very difficult to administer the Companies Act at the standard now required. Indeed the increase in insolvency work alone more than counterbalances the drop in new registrations.

It is disappointing to observe that in 1977 late filing fees exceeded \$246,000 which meant that approximately 12 000 documents were filed later than the times specified in the Act. Since the trend has shown no sign of decreasing it seems that, at their present level, the fees have not proved to be an effective deterrent to late filing.

The division places a high priority upon staff training, and, despite other pressing demands, every effort is made to provide all and especially junior personnel with the opportunity to gain the necessary skills.

**Registration Statistics**

	(31 March)				
	1974	1975	1976	1977	1978
New companies .....	8 857	7 336	8 208	6 441	4 880
Total documents .....	277 682	275 652	272 169	286 152	277 113
Total fees .....					
Registration, annual renewal, and late filing fees (including up to 31 December 1975 annual licence fees	\$1,840,940	\$1,982,877	\$962,760	\$4,015,400	\$3,997,394

**LAND AND DEEDS DIVISION**

The time taken to process work through land and deeds offices has been most satisfactory and there have been no delays of any significance.

Whereas last year there was an 8 percent increase in volume of work received, this year a 9 percent fall has been recorded. This decline is reflected in all districts except Westland, where there was an increase of 6 percent. The number of transfers received for registration is the lowest since the year ending 31 March 1972.

The number of plans deposited also fell significantly, and this to some extent accounts for the drop in the number of new certificates of title issued.

The Auckland Land and Deeds Office, which was desperately short of accommodation for records storage, and also for staff, and public facilities, moved to more spacious premises in December 1977. Every effort was made to find a suitable building which would meet Government Office Accommodation Board requirements and also provide

space for the Department of Lands and Survey. This could not be achieved so that the title and document records held by this department are now located away from the plan records of the Department of Lands and Survey. This arrangement is inconvenient to those who make use of land records and has been the subject of complaint by both the legal and survey professions. Both departments are to review the services they provide to the public in Auckland to ascertain whether such services are adequate to meet reasonable public needs.

A comprehensive review of the Unit Titles Act 1972 was completed early in 1978 and I expect amending legislation incorporating the recommendations of the committee which undertook the review to be ready for introduction in the next session of Parliament.

The Land Transfer or Torrens system of registration of titles to land eliminated most of the defects of the system of registration of deeds it supplanted. However, with the rapid urban expansion and many other changes both economic and social that have affected land tenure since the present system was designed, difficulties have arisen and imperfections have become apparent. As I mentioned in my last report, a review of the Land Transfer Act 1952 is long overdue. I am pleased to report that the initial stage of a thorough examination of the Act was commenced in October 1977 and is well on the way to completion. This will then be referred to a consultative committee for final recommendations as to form and content of a new Act.

The Auckland Land and Deeds Office is shortly to commence the major undertaking of microfilming its records so that the obvious advantages of a miniature records system can be obtained. Consideration is presently being given to extending the microfilm programme to other offices.

The computer produced street indexes now in use are being developed still further by adding certificate of title references. It is also proposed to produce a nominal index of current land owners at regular intervals.

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 Deposited
1974	560 635	45 932	10 002
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

During the 1977-78 year the Division's expenditure amounted to \$3,019,000 with revenue of \$4,821,000.

**REGISTRAR-GENERAL'S DIVISION****Births Deaths and Marriages Registration**

The number of requests for searches and certified copies of birth, death, and marriage registrations has continued at the high level mentioned last year. The principal causes are the administration of the National Superannuation Scheme and the requirement that applicants for a driver's licence must provide a birth certificate. These are

in addition to requests on behalf of children commencing school, and in relation to jobs, passports, and other purposes.

This increased work has been handled despite an office working with a fixed—indeed reduced—staff number. Delays have occurred from time to time and have been overcome by working overtime. We have sought to continue the customary high standard of service but with the limitation on staff numbers this has not always been possible.

#### Electoral

A by-election was necessary in the Rangitikei electorate on 18 February 1978 following the death of the Honourable Sir Roy Jack. A small increase in staff numbers has been approved for the work of compiling the electoral rolls and with the assistance of temporary workers is proceeding satisfactorily. Without their help it would not be possible to cope with current volumes of work, despite constant revision of procedures. The electoral enrolment records have been centralised in the Electoral Control Office in Lower Hutt, although there have been delays in some districts because of a lack of staff. The electorate officers for the new electorates have been appointed and steps are being taken to appoint returning officers. A reasonable fee for returning officers has been negotiated and approved, and no problem is expected in obtaining the services of experienced and competent people to carry out this important function.

### PATENTS DIVISION

As required by statute the Commissioner of Patents submits this report for the period 1 April 1977 to 31 March 1978. 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.

	1975-76 Ended 31 March 1976		1976-77 Ended 31 March 1977		1977-78 Ended 31 March 1978	
	Appli- cations	Fees	Appli- cations	Fees	Appli- cations	Fees
Patents	3 398	\$ 173,778	3 272	\$ 322,600	3 085	\$ 436,876
Designs	416	4,080	531	9,201	451	12,119
Trade marks	3 828	114,336	3 757	207,745	3 799	285,903
Miscellaneous		7,904		8,061		7,334
Totals	7 642	\$300,098	7 560	\$547,607	7 335	\$742,232

The expenditure for the year was \$699,500 of which salaries totalled \$529,700. The staff employed at 31 March 1978 was 60 compared with 63 at 31 March 1977.

#### Patents

The 3085 applications for the grant of letters patent originated in the following countries: New Zealand, 1016; United States, 732; United Kingdom, 383; Australia, 179; Switzerland, 177; West Germany, 156; France, 81; Japan, 78; The Netherlands, 61; Italy, 42; Sweden, 42; Canada, 18; South Africa, 16; Belgium, 14; Denmark, 14; and the balance of 76 from 25 other countries.

The technical content fell into the following categories: chemistry, 1066; mechanical engineering, 844; building, 351; home science, 313; electrical engineering, 261; primary industries, 250.

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; a large number of pharmaceutical compounds and compositions such as antibiotics; herbicides, pesticides, and veterinary compositions; polymeric compositions and processes for fabricating plastics; fuel compositions and methods for extracting oil and natural gas (particularly from off-shore fields); farm machinery such as mowing and hay making apparatus; modular and prefabricated building constructions; solar heating units; windmills; processes using wave and tide power; modified internal combustion engines; foodstuffs.

The proportion of patent applications filed by New Zealand citizens or companies incorporated in New Zealand continues to be relatively high at 33 percent of the total.

During the year, 1870 applications proceeded to acceptance after search and examination, and letters patent were sealed on 2076 applications. Fourteen oppositions against the grant of patents and two applications for the revocation of patents were filed.

#### Trade Marks

The 3799 applications for the registration of trade marks were received from the following countries in the numbers indicated: New Zealand, 1445; United States, 908; United Kingdom, 397; Australia, 322; France, 138; Japan, 137; West Germany, 127; Switzerland, 76; Italy, 56; The Netherlands, 39; Sweden, 25; Denmark, 24; Canada, 20; Spain, 12; and from 24 other countries 73.

After search and examination 1820 applications were accepted, 2528 were registered, and 2977 existing registrations were renewed.

During the year 428 searches were made for the Companies Office in respect of the names of new companies seeking registration. Fortyone oppositions were filed against applications to register marks and 24 applications for rectification of the register. Prior to application 536 requests were answered for searches and preliminary advice on the registrability of marks.

#### General

Staffing shortages continue to be the major problem preventing efficient and speedy operation of the Patent Office. There is now a delay of 10 months before any trade mark application is examined and with patent applications even longer delays occur. Depending on the field of the application the delays range from 11 months to 2 years. In two fields where the delay is 2 years, viz., electrical engineering and building technology, the office has no examiners and in spite of advertising for staff there have been no suitable applicants. While the move to Lower Hutt has not resulted in any difficulty in recruiting clerical staff it has had some effect on the availability of professional staff.

On 1 April 1976 certain of the fees charged by the office were increased and on 1 April 1977 as a result of a review of all fees, further increases were made. The result can be seen in the 147 percent increases in revenue for the past 2 years in spite of a 5 percent drop overall in the number of applications.

**BUILDINGS****Courthouses**

The Department continues to be faced with the problem of providing adequate court accommodation, notably at Auckland, Wellington, and Christchurch. Progress is being made in Christchurch but it will be some years before the courts there have completely satisfactory accommodation. Major expense will be involved to meet the needs of the Supreme Courts in Auckland and Wellington, whose work is still carried out in buildings erected a century ago and which are now quite inappropriate and inadequate.

During the year a new courthouse was opened at Henderson in leased premises and substantial extensions were made to the North Shore court accommodation. The new Court of Appeal building in Wellington is well behind schedule but is now expected to be completed in March 1979. I am disappointed that since the decision was taken as to the siting of the Court of Appeal there has been some change in the planning of the locality that may adversely affect the distinction of this symbolically most important building. The new administration building for the Christchurch law courts complex will be occupied in April 1978.

Planning for the major additions to the Hamilton and Dunedin courthouses and the new courthouses at Gore, Marton, and Thames has nearly concluded. All this work should be put out to contract this year. Additions and improvements are also programmed for the Hawera, Papakura, Rotorua, Taihape, Tauranga, and Te Awamutu courthouses.

**Prisons**

The new staff college at Wi Tako was completed in October 1977 and is proving a valuable amenity. The new Wanganui Prison buildings at Kaitoke were completed apart from some of the site works and roading. Good progress is being made on the new Manawatu Youth Centre at Linton and the contractor expects to complete it by August 1978.

A start has been made on the new medium security prison at Auckland and the reception and discharge unit at Addington. The Department has also been negotiating for the purchase of a suitable property for use as a women's prison in Auckland. During the coming year construction is expected to begin on the remand unit at Invercargill; a new administration and visiting block at Paparua, and new kitchens and dining rooms at Rolleston and Tongariro. A sawmill is being built at Waikune.

The department is planning a youth institution at Papakura, a medium security prison in Hawke's Bay, and a new remand institution in Auckland at Mt. Eden. On the other hand it has been decided not to go ahead with the proposed corrective training centre at Otātara.

**FINANCE**

Excluding electoral costs and receipts, excess of expenditure over revenue was \$30,108,837. The Department budgeted for a net expenditure of \$30,377,500. Consolidated Revenue Account was underspent by \$840,376 and Works and Trading Account underspent by \$122,872, while revenue collected was below the amount estimated by \$694,585. Net expenditure for the year ended 31 March 1978 was \$10,026,074 more than that for the previous year due to higher personnel, capital works, and other expenditure. Revenue collected did not increase at the same rate as expenditure.

Details of the Department's operations (excluding electoral) during the 1977-78 financial year are:

	Expenditure \$	Revenue \$	Net Expenditure \$
Consolidated Revenue Account ....	50,337,124	27,705,415	22,631,709
Works and Trading Account ....	7,477,128	....	7,477,128
	<u>\$57,814,252</u>	<u>\$27,705,415</u>	<u>\$30,108,837</u>

G. S. ORR,  
Secretary of Justice.

## APPENDIX I

PENAL STATISTICS FOR THE YEAR ENDED  
31 DECEMBER 1977

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

Table A: Summary of Receptions

	1972			1973			1974		
	M.	F.	T.	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers) .....	10 113	683	10 796*	9 462	510	9 972	9 788	591	10 379
Individual persons undergoing sentence .....	5 191	310	5 501	4 776	214	4 990	4 601	208	4 809

\*Revised.

	1975			1976			1977		
	M.	F.	T.	M.	F.	T.	M.	F.	T.
Total receptions (including multiple receptions of the same person but excluding transfers) .....	9 811	572	10 383	10 263	560	10 823	9 342	557	9 899
Individual persons undergoing sentence .....	4 794*	240	5 034*	5 022	246	5 268	4 505	246	4 751

\*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 provisional

Table B: Nature of Offence

Year	Offences Against the Person				Offences Against Property†				Miscellaneous	Totals
	Sexual		Other Offences		Property†		Miscellaneous			
	Number	Percentage of Total	Number	Percentage of Total	Number	Percentage of Total	Number	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	38.7*	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	

\*Revised.

†Includes forgery and currency offences.

Table C: Length of Sentence

Term of Sentence	Number of Prisoners				
	1973	1974	1975	1976	1977
Imprisonment of—					
Under 1 month .....	933	863	560	581	388
One month and under 3 months .....	803	817	832	765	699
Three months and under 6 months .....	490	457	484	488	488
Six months and under 12 months .....	700	629	839	929	910
One year and under 3 years .....	641	580	689	819	806
Three years and under 5 years .....	109	105	148	133*	123
Five years and over (excluding life) .....	23	43	51	66*	37
Life .....	10	5	8	13	12
Borstal training .....	719	763	837	874	740
Detention in detention centre .....	561	545	585	600	547
Preventive detention .....	1	2	1	....	1
Totals .....	4 990	4 809	5 034	5 268	4 751

Table D: Nationality of Prisoners

Year	New Zealand-born (Excluding Maoris)		British and Foreign	Total
	Maoris	Maoris		
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	1 823	562	4 751

\*Revised.

Table E: Age of Prisoners

Age Group	1973	1974*	1975	1976	1977
Under 20 .....	1 736	1 685	1 702	1 823	1 662
20-24 .....	1 405	1 302	1 535	1 614	1 495
25-29 .....	567	590	686	744	679
30-39 .....	636	626	605	585	538
40 and upward .....	546	606	506	502	377
Total .....	4 990	4 809	5 034	5 268	4 751

\*Revised.

**Table F: General Summary 1977**

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	---	13	---	118	---	114	---	17	---	25	---	7	---	15
Arohata (womens borstal)	---	38	---	83	---	82	---	39	---	47	---	31	---	38
Auckland	211	---	333	---	317	---	227	---	227	---	179	---	200	---
Christchurch*	327	---	1 373	---	1 364	---	336	---	382	---	318	---	341	---
Christchurch (womens prison)	---	40	---	122	---	113	---	49	---	55	---	36	---	45
Dunedin	48	---	897	---	901	---	44	---	66	---	29	---	49	---
Invercargill	---	---	82	---	81	---	1	---	8	---	1	---	2	---
Invercargill (borstal institution)	202	---	355	---	375	---	182	---	221	---	159	---	190	---
Mount Eden	380	5	3 252	289	3 264	279	368	15	436	25	328	5	373	15
Napier	56	---	643	---	645	---	54	---	76	---	39	---	57	---
New Plymouth	60	---	319	---	324	---	55	---	69	---	46	---	58	---
Ohura	43	---	86	---	85	---	44	---	49	---	35	---	41	---
Rolleston prison	70	---	127	---	129	---	68	---	71	---	61	---	68	---
Rolleston (detention centre)	41	---	247	---	253	---	35	---	60	---	29	---	42	---
Tongariro (detention centre)	60	---	357	---	345	---	72	---	76	---	24	---	54	---
Tongariro (prison farm)	121	---	237	---	239	---	119	---	128	---	111	---	119	---
Rangipo (prison farm)§	124	---	324	---	294	---	154	---	168	---	113	---	150	---
Waikeria	60	---	974	---	959	---	75	---	86	---	30	---	58	---
Waikeria (borstal institution)	347	---	504	---	516	---	335	---	364	---	304	---	334	---
Waikeria (detention centre)	6	---	309	---	304	---	11	---	17	---	---	---	5	---
Waikane	94	---	172	---	169	---	97	---	121	---	80	---	98	---
Waipiata (youth centre)	69	---	95	---	126	---	38	---	69	---	30	---	49	---
Wanganui	73	---	356	1	361	1	68	---	79	1	52	---	68	---
Wellington	171	---	1 204	---	1 201	---	174	---	194	---	154	---	176	---
Wi Tako	185	---	238	---	241	---	182	---	185	---	158	---	172	---
Minor prisons and police gaols	---	---	255	24	254	24	1	---	14	1	---	---	3	---
Police lock-ups†	---	---	2	---	2	---	---	---	---	---	---	---	---	---
Totals	2 748	96	12 741	637	12 749‡	613‡	2 740	120	---	---	---	---	2 707	113

\*Comprises Papanui 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.

§Rangipo commenced operation as a separate institution on 1 January 1977.

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## APPENDIX II

## PROBATION STATISTICS FOR YEAR 1977

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

Year	Males	Females	Total
1973	4 510	801	5 311
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

(b) Probationers who committed breaches or fresh offences during the year ended 31 December 1977—

Breaches (section 10, Criminal Justice Act 1954)	Males	Females	Total
Committed further offences	687	141	828
Absconders	577	60	637
	133	17	150

(c) Summary of cases dealt with in 1977—

	Released on Probation		
	Males	Females	Total
Number reporting 1 January 1977	6 092	1 207	7 299
Released on probation during year	5 482	1 296	6 778
<b>Totals</b>	<b>11 574</b>	<b>2 503</b>	<b>14 077</b>
	Males	Females	Total
Completed probation during the year	4 618	1 022	5 640
Resentenced on original charge	28	6	34
Committed further offences	577	60	637
Left New Zealand	1	3	4
Absconded not found	133	17	150
Deceased	27	2	29
Discharged by court	191	43	234
<b>Totals</b>	<b>5 575</b>	<b>1 153</b>	<b>6 728</b>
Number reporting as at 31 December 1977	5 999	1 350	7 349

## APPENDIX III

## (a) Parole—

	Males	Females	Total
Number reporting 1 January 1977	2 103	134	2 237
Released on parole	2 476	132	2 608
Totals	4 579	266	4 845
Completed parole during 1977	1 989	131	2 120
Committed further offences	402	17	419
Recalled under section 36 (Criminal Justice Act 1954)	32	2	34
Left New Zealand	26	1	27
Absconded not found	73	3	76
Deceased	12	2	14
Discharged by Parole Board	13	4	17
Totals	2 547	160	2 707
Number reporting as at 31 December 1977	2 032	106	2 138

(b) Probationers who have committed breaches of probation during the year ended 31 December 1977—  
Breaches (section 39, Criminal Justice Act 1954)—

Males	282
Females	19
Total	301

NOTE—There were 250 persons reporting on Probation or Parole to Police Probation Officers during 1977.

(c) Ages and Terms of Probation of the Offenders released on Probation During 1977—

	6 Mths.		9 Mths.		1 Year		14 Mths.		15 Mths.		16 Mths.		17 Mths.		18 Mths.		19 Mths.		20 Mths.		21 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	—	—	—	—	286	52	—	—	68	3	2	—	1	—	228	44	—	—	—	—	—	—	68	17	—	—	2	—	655	116	771
17-18	—	—	—	—	435	74	—	—	84	8	3	—	2	—	241	63	—	—	—	—	—	—	82	26	—	—	5	—	852	171	1 023
18-20	—	—	1	—	701	175	—	—	137	11	5	—	2	—	391	115	—	1	1	—	—	85	37	1	—	2	1	1 326	340	1 666	
20-25	1	—	—	—	783	169	1	—	113	13	1	1	1	—	477	118	—	—	2	—	1	—	81	43	—	—	8	8	1 469	352	1 821
25-30	—	—	—	—	295	67	—	—	52	5	3	—	—	—	140	40	—	—	—	—	—	49	19	—	—	8	2	547	133	680	
30-40	—	—	—	—	220	62	—	—	26	6	2	—	—	1	97	40	—	—	—	—	—	34	17	—	—	2	3	381	129	510	
40-50	—	—	—	—	98	17	—	—	11	3	1	—	1	—	46	15	—	—	1	—	—	18	5	—	—	4	1	180	41	221	
50-60	—	—	—	—	31	9	—	—	5	1	—	—	—	—	18	2	—	—	—	—	—	6	—	—	—	1	—	61	12	73	
60-70	—	—	—	—	4	1	—	—	—	—	—	—	—	—	3	1	—	—	—	—	—	2	—	—	—	—	—	9	2	11	
70 and over	—	—	—	—	1	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—	—	2	—	2	
	1	—	1	—	2 854	626	1	—	496	50	17	1	7	1	1 641	438	—	1	4	—	1	—	426	164	1	—	32	15	5 482	1 296	6 778

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## APPENDIX IV

Periodic detention statistics for the year ended 31 December 1977—

(a) Number sentenced to periodic detention—	1973	1974	1975	1976	1977
Number reporting as at 1 January:					
Residential	151	189	204	191	194
Non-residential	485	704	973	1 172	1 402
Sentenced to periodic detention:					
Residential	524	673	720	593	658
Non-residential	1 626	2 337	2 979	3 832	4 612
Totals	2 786	3 903	4 876	5 788	6 866

(b) Number where term expired during 1977	Residential	Non-residential	Total
Committed further offences	436	3 372	3 808
Absconded	211	794	1 005
Deceased	40	295	335
Discharged by court	9	53	62
	696	4 524	5 220
Number reporting as at 31 December 1977	156	1 490	1 646

(c) Periodic detainees who committed breaches of their orders for the year ended 31 December 1977—	Residential	Non-residential	Total
Breaches (section 21 (i) (a) Criminal Justice Act 1954)—			
Residential	203		
Non-residential		1 058	
Total	1 261		

(d) Financial disbursement year ended 1977—	Total
Restitution	213,703.22
Fines and costs	107,767.13
Unofficial money	371,081.16
Total	\$692,551.51

(e) Pre-sentence reports during the year 1977—	Supreme Court	Magistrate's Court	Total
	659	16 543	17 202

## APPENDIX V

## Court of Appeal

Criminal—	No. Filed	1977 No. Allowed	No. Dismissed
Appeals against conviction	33	6	25
Appeals against conviction and sentence	39	17	20
Appeals against sentence	79	18	58
Cases stated	3	2	1
Other	20	9	12

## Civil—

Appeals or cases stated	No. Filed	No. Heard
number of sitting days—153	164	50

## Supreme Court

	1973	1974	1975	1976	1977
Writs	3 702	4 559	4 773	3 349	3 593
Divorce petitions	4 746	5 384	6 236	6 146	6 326
Probate applications	16 049	16 512	16 414	16 057	15 958
Chattel securities registered	30 510	21 942	23 881	28 979	27 671
Criminal trials	466	587	674	700	662
Committals for sentence	54	156	134	189	222

## Magistrates' Courts

Civil—	1973	1974	1975	1976	1977
Plaints	114 138	126 417	145 688	141 967	144 626
Judgment summonses	25 580	25 139	25 245	29 899	27 037
Warrants	37 794	37 173	41 082	45 524	44 546
Totals	177 512	188 729	212 015	217 390	216 209

## Criminal—

(Including traffic offences)	1973	1974	1975	1976	1977
Traffic offences	363 085	420 873	489 755	521 312	509 369
	223 697	270 281	318 967	336 858	321 554
Total revenue	\$7,822,600	\$8,991,363	\$9,351,680	\$10,576,236	\$11,760,444
Total number of fines imposed	228 222	255 857*	270 795*	328 126	330 234
Total amount of fines imposed	\$8,025,594	\$9,548,998	\$10,554,169	\$11,726,673	\$13,203,689
Total number of summonses for examination issued		21 425†	36 530	67 621	54 317
Number of examinations held		1 318‡	4 853	6 508	5 266
Total number of fines in respect of which warrants were issued to enforce payment	72 548	31 164§	4 416	4 722	4 034
Total number of fines in respect of which warrants of committal were issued and defendants imprisoned	3 542	1 866‡	1 998	1 643	1 530
Total amount of fines in respect of which warrants of committal were issued and defendants imprisoned	\$222,790	—‡	\$158,373	\$145,266	\$133,989
Total number of fines remitted	4 168	5 576	5 305	7 016	9 479
Total amount of fines remitted	\$169,395	\$181,991	\$286,807	\$281,577	\$499,114

†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 173 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.

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**Domestic Proceedings**

Applications    ---    ---    ---    9 661    10 674    11 661    12 679    13 810

**END**