

CR 8M
5-1482

E. 5



REPORT
OF THE
DEPARTMENT OF
JUSTICE
FOR THE YEAR ENDED
31 MARCH 1980

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

81620

FOREWORD

The annual report of any Government department provides an excellent opportunity for public and parliamentary scrutiny of its activities. The 1979-80 report of the Department of Justice is all the more significant because its format has been reorientated so that it sets out the department's principal objectives and the extent to which they are being achieved. That has been made possible by the intensive review last year of the department's role and policies.

The introduction by the Secretary for Justice emphasises the need for such reviews and for an assessment of the effectiveness of those policies. Such an assessment of policies is to be a continuing feature of the department's activities. In the result, much more so than in the past, departmental officers at all levels are aware of the department's policies and objectives and thus are able more effectively to discharge their responsibilities. This, in turn, can lead to a wider and more effective delegation of tasks within the department.

The year 1979-80 can be regarded as one of solid achievement particularly in the areas of court restructuring, law reform, and departmental administration. Almost every division has commenced a major project intended to improve and enhance its activities. The potentially wide ranging nature of such reviews can be best illustrated by two examples—the review of the Land Transfer Act 1952 within the Land and Deeds Division and the major review of penal policy.

The year under review will provide a solid basis for the future work of the department.

J. K. MCLAY, Minister of Justice.

CONTENTS

	PAGE
Foreword	2
Reflections and Prospects	4
Head Office	6
Wanganui Computer Centre	7
Finance	8
Law Reform Division	9
Planning and Development Division	10
Courts Division	13
Patents Division	15
Registrar-General's Division and Chief Electoral Office	17
Probation Division	20
Marriage Guidance Counselling	20
Land and Deeds Division	22
Penal Division	25
Prisoners' Aid and Rehabilitation Society	25
Commercial Affairs Division	27
Tribunals Division	28
Psychological Services	30
Appendices	30

U.S. Department of Justice 81620
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
New Zealand Department
of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

NCJRS

SEP 25 1980

ACQUISITION

REFLECTIONS AND PROSPECTS

The last year has been notable for the fulfilment of a number of important goals and for considerable progress with others. Probably one of the most fundamental changes to be made to the department's management structure has been the introduction of the policy review system.

I believe the public sector is capable of efficient management. The nature of some activities do not always allow efficiency to be tested in terms of money or for an assessment of their worth to be measured against their demand on resources. In these areas we are really talking about effectiveness. Nevertheless we must attempt to analyse the effectiveness of these policies if we are to adapt to changing social conditions.

In my view, there is no substitute for a continuous review system linked directly to the budgetary cycle. The review system the department is now implementing will include:

- (i) A determination of the effectiveness of objectives and policy.
- (ii) A study of the adequacy of the department's structure for the objectives and policies that are being pursued.
- (iii) An assessment of the quantity, quality, and composition of the staff needed.
- (iv) A comprehensive analysis of implementation requirements at the time any new or expanded policy is being considered.
- (v) Identification of sources of information for financial, management and policy purposes which illustrate trends in the social, economic and political environment relevant to the department's activities.
- (vi) The usually untapped ideas and innovations of staff members at the workplace.

The Planning and Development Division of the department has responsibility for co-ordinating the policy work of all the various divisions to ensure that the fullest consideration is given to the factors I have just identified.

Ultimately the system will benefit both the department and the society which it serves. New policy proposals will be well researched; existing policy will be adequately reviewed; there will be more efficient utilisation of resources; and managers in the field will be able to exercise greater control over the operation of their particular office (and of course will assume greater responsibility for the level of performance).

The department has already been able to take a number of measures which should achieve significant savings in administrative costs. That in the area of traffic prosecutions may be seen as characteristic. At present an enormous number of these are dealt with each day by our District Courts. These occupy the time not only of judicial officers and court staff, but also Ministry of Transport officers and police. Last year the Parliamentary Road Safety Committee, chaired by Mr Michael Minogue, M.P., recommended that much of the minor traffic work should be transferred from the existing prosecution system to minor offences and infringement notice procedures. Quite apart from the removal of considerable pressure from the courts, thus freeing staff for other work, such a step could, when fully implemented, save, inclusive of salaries, in excess of \$750,000 in annual expenditure.

I would also draw attention to the various moves which have been taken to make the court system more accessible to our citizens.

Considerable progress has been made in evaluating the 246 recommendations of the Royal Commission on the Courts, and implementing them where appropriate.

The consequent change in the court structure will result in the District Courts which have replaced the Magistrates' Courts bearing a quadrupled civil jurisdiction, and in their hearing a number of criminal matters of intermediate importance. This will substantially reduce the present pressures on the High Court, formerly the Supreme Court.

The Court of Appeal, whose criminal workload had increased from 1969 to 1979 by 158 percent, has now been completely restructured along lines recommended by the Royal Commission.

The most important consequence of the commission's recommendations will probably however be the Family Court. A Bill to establish this important institution is at present being considered by a parliamentary select committee. The court will initially deal with questions of divorce, separation, maintenance, property, custody, and access. The aim is to create a court which will be flexible in operation, which will be able to give counselling at the appropriate time, and which in the Family Court situation will break down the adversary structure which is characteristic of our judicial institutions.

It is becoming increasingly important that the courts be provided with a broader and more relevant range of penalties to cope with the growing and increasingly complex crime problem.

At present a select committee is considering a Bill to introduce a new penalty of community service. The purpose of this sanction is to provide the opportunity for offenders to both repay something of the damage they have done, and to undertake work which actively involves them in the community. A working party has been studying the question of reparation and will shortly be reporting to the Minister of Justice. The greater attention which, it is increasingly being seen, needs to be given to the situation of the victim, will to some degree be catered for by these changes.

I would also draw your attention to the department's programme in response to the Government's commitment to update our laws to ensure that they are relevant to the economic, social, and commercial circumstances of the 1980s.

It is expected that in the coming year particular attention will be given to amending the current liquor and electoral laws. Special select committees have been developing recommendations in both areas.

In the Penal Division the problem in respect of women inmates which was noted last year has continued, and facilities to cope with them have become a matter of some urgency. The drop in male inmates which was also noted last year was not maintained and there was in fact a considerable increase in musters. The changing nature of the prison inmate population has been a cause of concern during the year. The increasing need to intercept the entrance of drugs into prisons has led to alterations in the legislation to provide for closer scrutiny of visiting procedures.

The increase in crimes such as theft and burglary has also raised increasingly the question of whether incarceration is really the most effective or economical form of sanction for these offenders. The department is constantly concerned to look for practical alternatives to imprisonment that are at least as effective in reducing offending and offer both economic and social gains. A review of penal policy is thus a matter of some urgency. It is to be given priority this year.

The opening of the Manawatu Youth Institution is an event of considerable importance. The training it will offer to younger offenders will substantially increase the arsenal of reformatory techniques available to the division.

The Probation Division, like others, is at present in the process of re-evaluating its role in the department. While its task of preparing probation reports continues to reflect the increased court loads, the shift in emphasis in the courts between sentences of periodic detention and probation in favour of the former has raised the question of the need to modify the kinds of programme the division will in future offer. That non-residential sanctions have a significant place in the justice system is reinforced by the research evidence that non-residential periodic detention is no less effective than the residential variety. The closing of a number of residential periodic detention hostels would appear, consequently, to be a sound economic measure.

The completion of the review of the functions of the psychological services has resulted in that division now being given a primarily advisory role within the department. This is in line with the general world-wide movement away from the treatment model of penal policy. This is increasingly becoming reflected in the department's overall policy.

In other divisions, activities have tended to reflect the prevailing economic climate. The Commercial Affairs Division has noted that in the last 3 years liquidations have doubled in numbers. The Land and Deeds Division has also noticed a drop in the total number of instruments registered, with a particularly striking drop in the number of mortgages registered. On the other hand the Patent Office has recorded a continuing increase in applications lodged for patents, designs, and trade marks.

The continued and apparently increasing burden which the law-making process makes upon the administration has been reflected in the continuing heavy demands made upon the Law Reform Division. The expanding functions of the Tribunals Division, reflected in the creation of a fourth division of the Planning Tribunal, similarly exemplify this generally increasing work-load throughout the department.

I could not complete this section without acknowledging the tremendous debt of gratitude I owe to all my staff for the assistance given to me during the year under report. Coming to the department at the beginning of the year with no attributes in the justice arena other than my administration techniques, they went out of their way at all levels to inform me on departmental activities. This has enabled me to get quickly to areas needing change and I am extremely encouraged by the flexible and quite enthusiastic response of all staff to new proposals which have challenged long established practices.

HEAD OFFICE

Objectives

To provide expertise for the formulation and evaluation of policy for the department's total activities. To provide administrative support for all functions of the department. To have all operations run in an efficient manner. To maintain harmonious personnel operations. To review the resources necessary for the department's activities. To ensure that all staff are adequately trained and competent in performance.

Activities and Achievements

The clerical inspectors made 115 visits during the year to review operations and consider personnel issues. This compares with an average of 63 visits in the previous 5 years.

Among the assignments completed by the management support group were new overlays for births, deaths, and marriages records; testing of sound recording of court proceedings; extension of word processing facilities; microfilming of some court records; and a review of the system of appointment of justices of the peace.

The emphasis on improvement of court buildings has required many visits to courts and discussions with judges and users of courts throughout the country.

The two staff training officers arranged 17 courses training 340 people in management techniques. In addition to their other normal training activities they were involved in 20 inter-departmental training courses.

WANGANUI COMPUTER CENTRE

The Department of Justice continues to play a major part in the operation of the Wanganui Computer Centre.

During the year the computer began processing further Ministry of Transport prosecutions. These were in the Waikato, Bay of Plenty, and South Canterbury districts, thus increasing the number of transactions by court operators. The remaining areas, Wellington and Southland, are scheduled to be linked within the next year.

Statistical and research data stored in the centre continue to be of use for the Planning and Development Division. Message switching is now used extensively, providing an improvement in communication. A shared terminal at Greymouth has become operational.

Future Changes and Developments

Proposals for the supply of equipment which would be suitable for the fines accounting enforcement subsystem have been invited.

FINANCE

The department's total appropriation for 1979-80 was \$86.570 million and projected receipts were estimated at \$33.001 million. Final expenditure for the year was \$84.018 million with receipts totalling \$35.420 million, giving a net departmental cost of \$48.598 million. Net expenditure for the year ended 31 March 1980 was \$9.283 million greater than that for the previous financial year.

In order to make controlling officers more responsible for the resources within their control and to provide them with the authority to deploy those resources to the best advantage a system of decentralised financial control was introduced in the 1978-79 financial year in the Penal Division. This system will be extended to other divisions in the 1980-81 financial year.

A further development of this reorganisation of financial management will be the introduction in the 1980-81 financial year, as a pilot for the department, of the bulk allocation system to the Penal and Probation Divisions. The controlling officers of these divisions will be responsible for the allocation and management of funds necessary for the activities they have responsibility for providing.

This system of financial management is related to the policy review system referred to earlier in this report. I have required all divisions as one part of the policy review, to consider all activities to determine whether its objectives could be met by a more effective utilisation of the resources currently allocated.

LAW REFORM DIVISION

Objectives

To advise on the constitutional implications of legislation proposals. To initiate and carry through proposals for legislative change. To provide a professional legal service to the Department of Justice.

Expenditure and Receipts

Expenditure amounted to \$218,500. Salaries accounted for \$198,500 and operating costs \$20,000.

Activities and Achievements

The law-making process continues to place heavy demands on the division's resources. Pressure has increased in recent years because of the greater involvement of caucus committees in both the formulation of policy and its incorporation in legislative form. The pressure is likely to increase further now that virtually all Bills are to be referred to parliamentary committees for consideration. The division continues to suffer from an insufficient number of highly experienced officers. The problem was further exacerbated during the year by the need to second a senior officer full-time to electoral work. Attempts to recruit experienced staff during 1979 were unsuccessful. To improve recruitment and assist retention of staff a case is to be made to the State Services Commission during the coming year for a review of the grading structure.

During the year three Bills held over from 1978 were passed. These were the Carriage of Goods Bill, the Contractual Remedies Bill, and the Crimes Amendment Bill.

The Family Proceedings Bill, also held over from 1978, was withdrawn after full consideration and a new Bill introduced for recess study.

The Courts Amendment Act 1979 was the first legislative measure implementing the recommendations of the Royal Commission on the Courts. Details appear elsewhere in this report.

The Administration Amendment Act 1979 removed the need, in the generality of cases, for administration bonds. It also improved the basis of distribution of intestate estates by changing the old *per capita* rule as it applies to grandparents, uncles, or aunts. The Arbitration (International Investments Disputes) Act 1979 gave effect to an international convention on the settlement of investment disputes between contracting states and nationals of other contracting states.

The Guardianship Amendment Act 1979 made provision for the enforcement in New Zealand of custody orders made in prescribed overseas countries and for the transmission of New Zealand custody orders to prescribed overseas countries, for enforcement. At present the only prescribed countries are the United Kingdom and Australia, and only Australia will enforce New Zealand orders.

The Motor Vehicle Dealers Amendment Act 1979 set up a licensing board and restricted the class of claims that may be made against the fidelity fund. The Unit Titles Amendment Act 1979 made extensive amendments, the major one being provision for staged developments.

Once more it was necessary for the Legislature to intervene to prevent a commercial collapse. On this occasion it was the Public Service Investment Society. In all, 33 Bills were enacted including a number by way of the Statutes Amendment Bill.

Seven Bills were held over until the 1980 session. The Evidence Amendment Bill makes widespread reforms dealing with hearsay

evidence, the rule in *Hollington v. Hewthorn*, privilege and overseas evidence. The Criminal Justice Amendment Bill (No. 2) creates a new sentence of community service. The Companies Amendment Bill reforms provisions relating to receivers and managers, the winding up of companies, and remedies for the oppression of minority shareholders. The Trespass Bill in the main strengthens the existing legislation by increasing penalties. The remaining three Bills are the family law package comprising the Family Courts Bill, the Family Proceedings Bill (No. 2), and the Guardianship Amendment Bill (No. 2).

A *Review of the Law on Adoption* by Ms P. M. Webb, a paper designed to promote discussion of the topic, was published during the year.

PLANNING AND DEVELOPMENT DIVISION

Objectives

To ensure that the widest consideration is given to the development of new policies and procedures. To provide on a continuing review basis, research and information for the evaluation of existing policy and departmental activities. To undertake and encourage investigation and research into criminological, sociological, and other issues relevant to departmental activities. To develop and direct the department's public relations programme and to disseminate information on departmental activities.

Expenditure and Receipts

Expenditure amounted to \$219,700. Salaries accounted for \$198,000. \$12,000 was expended on publications advising the public on changes to the courts structure. \$5,700 was spent on research contracts.

Activities and Achievements

Major assignments completed by the advisory group include papers on the compilation of jury rolls and bilateral relations between Pacific Island Territories and the offices of the Administration of Justice in New Zealand, and discussion papers on reparation and suspended sentences. The group also attended to International Labour Organisation, Pacific Affairs Co-ordinating Committee, and law related education programme matters. Secretarial services were provided for the Penal Review Committee, the working parties on reparation and on the flow-on of information, and for the officials committee and the working party on electoral matters.

The demand for existing publications and other information services continues as does the demand for additions to all series. Publications completed this year included: *Searching a Title*, *Layby Sales*, two leaflets for prison inmates, *The Work of the Prison Officer*, and *Periodic Detention*.

Media kits and other publicity material covering the implementation of the first stage of the restructuring of the courts system was a notable achievement for the section. With the excellent assistance and co-operation of the Tourist and Publicity Department and a private advertising agency the public was well informed of the changes. An officer has also been involved in planning how the public will be informed about changes in electoral procedures.

The major research project continues to be the review of legal services. Since last report progress on this work has included the implementation of a client survey of the Grey Lynn Neighbourhood Law Office and initial studies on the administration of offenders legal aid and the duty solicitor

schemes. A research contract with a firm of consultants and another with Massey University have been significant developments in this project.

The section completed several court workload studies, commentaries on regional planning schemes, and other demographic studies. Workload planning studies, including projects to assist in the implementation programme of the Royal Commission on the Courts, have been initiated. The monitoring of the Misuse of Drugs Amendment Act 1978 continues.

The research studies, *Periodic Detention* and *Probationers and their Reoffending*, have assisted in developing policies for these sentences.

A number of research studies, linked to the policy development and review programme is now in train. The Applied Mathematics Division of DSIR remains an important and essential resource for technical aspects of research work. Liaison with the Department of Statistics has increased in preparation for the review of justice statistics. As in the past the National Research Advisory Council has assisted and encouraged the research activities in the department.

Future Changes and Developments

A senior research officer has been appointed to set up, with the assistance of a scientist seconded from DSIR Applied Mathematics Division, an information base for all departmental activities.

The groundwork for the policy review system is now firmly established and the process of implementation is now underway. The division is involved in the preparation of managerial guidelines for the attainment of objectives, the introduction of the system to the field offices, and the development and implementation of management information systems that will allow proper evaluation of policy.

As resources allow, a departmental public relations programme will be developed, putting more emphasis on liaison with the media and on giving district offices support and training in handling publicity at the local level.

COURTS DIVISION

Objectives

To provide administrative support services and facilities which will enable the prompt, efficient, and humane disposition of all court business. To enforce all orders of the court.

Appointments

Court of Appeal—The Hon. Mr Justice McMullin.

High Court—The Hon. Mr Justice Cook; The Hon. Mr Justice Greig; The Hon. Mr Justice Prichard; The Hon. Mr Justice Savage; The Hon. Mr Justice Spring.

Retirements—The Hon. Mr Justice Perry; The Hon. Mr Justice Bain; The Hon. Mr Justice Mills.

Resignation—The Hon. Mr Justice Spring.

District Court—Mr D. J. Sullivan was appointed the first Chief District Court Judge of New Zealand.

Other appointments—Judge P. J. Bate; Judge M. J. A. Brown; Judge P. W. Graham; Judge A. J. Sheehan; Judge R. R. Kearney.

Judge B. O. Nicholson—seconded for a term as Chief Justice of Western Samoa—returned to the bench in Auckland.

Judge G. B. Fea—appointed Chairman Licensing Control Commission.

Judge D. F. G. Sheppard—Chairman of the Fourth Division of the Planning Tribunal.

Expenditure and Receipts

Expenditure amounted to \$22,386,500 made up of \$8,857,200 operating costs, \$10,911,500 salaries (personnel), \$2,604,200 capital and \$13,600 on grants. Receipts for the year amounted to \$19,170,600. This was made up largely of fines and court fees totalling \$17,820,300.

Activities and Achievements

Volume of Work

The slight reduction in civil and criminal business has been more than offset by substantial increases in the amounts of fines imposed and collected.

The sitting time of both District and High Court judges increased during 1979, placing additional strain on courts staff. Most District Courts have been able to allocate fixtures within 6–8 weeks of application, but I am concerned that at least half of the High Courts have serious arrears of matters awaiting hearing. Changes in the jurisdiction of the courts should assist in reducing the present delays.

Although all other activities in the division have remained constant, attention should be drawn to the growing complexity of court work. The increased handling of criminal files since the introduction of the Wanganui Computer, the lengthy procedures to be followed in enforcing fines, and the number of documents to be checked, processed, and served in the domestic field are prime examples of areas in which courts experience difficulty.

Staffing

The cumulative effect of reduced staffing, increased court sittings, the need to maintain daily deadlines, the fragmentation of offices and the inexperience of staff has placed a considerable burden on existing courts staff in trying to maintain acceptable standards in both the work situation and in their court servicing responsibilities. Training in most offices has been neglected because of the need to concentrate on current work and an accumulation of arrears. It is hoped that as a result of some major changes in procedure designed to streamline current systems, staff will become available for redeployment in other areas to help overcome these problems.

Fines Enforcement

The total of outstanding fines at 31 December 1979 was \$5,953,925 compared with \$4,689,505 in 1978. This can be partially attributed to increased maximum penalties available for drinking/driving offences, careless driving, and offences under the Road User Charges Act 1977. There has been an increase of \$4,182,644 in fines collected. Over the past 5 years the number of fines imposed has increased by 19 percent whilst the amount imposed has gone up by 77 percent. The average fine has

increased from \$39 to \$58. The 1978 report stressed that a computer-based scheme to back up fines enforcement should be treated as a top priority. I am concerned to note that there is little prospect of this commencing as even a pilot programme until mid-1981. However, progress has been made on developing the programme for this subsystem and tenders have now been called for the hardware.

Closing of Part-time Courts

One feature of the past year has been the closing of the following 24 courts from 13 October 1979: Akaroa, Cambridge, Fairlie, Featherston, Helensville, Kawakawa, Milton, Maungataroto, Motueka, Ohakune, Otaki, Otautau, Paeroa, Pahiatua, Palmerston, Rawene, Roxburgh, Te Aroha, and from 31 October 1979 Hokitika, Kaeo, Matamata, Patea, Temuka, Waimate.

These courts were previously serviced either by Police registrars or on a part-time basis by court staff. The Royal Commission on the Courts established guidelines for closure of small courts and steps were taken following the release of the commission's report to review workloads. As a result the 24 closures took place. This has allowed for the better utilisation of judicial and court staff resources.

Courthouses

The report of the Royal Commission on the Courts highlighted the long-standing deficiencies in our court buildings. Now that the future role of courts is being clarified, a programme of improvements to our court buildings is to be implemented. The fact that the District Courts will now have to handle jury trials will place strain on our existing facilities.

Work was completed for two new court buildings. The new Marton Courthouse was necessary to replace an older inadequate building. The Court of Appeal building will allow that court to sit more frequently in two divisions in accordance with the recommendation of the Royal Commission on the Courts. After many years in temporary premises this long awaited \$3.5 million building is certainly befitting the status of the Court of Appeal as the highest court in New Zealand.

At present, contracts are underway for a new High Court block at Hamilton and new District Courts at Thames and Gore. These should be completed by the end of 1980. New temporary facilities for the High Court in Auckland will be ready early in 1981. This will allow a start to be made on a substantial enlargement of the High Court building in Auckland.

In this year's programme there is provision for improvements to the District Courts at Auckland, Otahuhu, Tauranga, Taihape, Palmerston North, and Christchurch. Improvements to other courts are included in a programme covering the next 5 years.

Future Changes and Developments

The Select Committee on Road Safety has recommended a number of proposals including an extension of the present infringement scheme and legislation giving effect to these proposals is I understand scheduled to be introduced in 1980. Both the Ministry of Transport and the local authorities concerned have agreed in principle to these proposals.

Mention should also be made of the need for extra resources for training, better oversight of computer development and training, the co-ordinating of a very extensive building programme, and the extension of the small claims scheme.

Royal Commission on the Courts: New Courts Structure

The first legislative steps towards the implementation of the recommendations of the Royal Commission on the Courts were taken with the introduction in November of the Courts Amendment Bill 1979 which was enacted as seven separate amending acts.

Within the three-tiered framework, consisting of the Court of Appeal, the High Court, and the District Courts, the District Courts (previously Magistrates Courts) will become the workhorses of the New Zealand judicial system. The High Court, while not ceasing to be a court of original jurisdiction, will be concerned more with appellate and review matters and with cases where major questions of law are involved than the Supreme Court which it replaces.

The District Courts Amendment Act comes into force on 1 April 1980 constituting District Courts, providing for the appointment of a Chief District Court Judge and substantially enlarging the civil jurisdiction of the court.

During 1980 it is proposed that legislation will be introduced to enable those District Courts which already have suitable facilities available to deal with criminal jury cases for all electable offences. Purely indictable offences will continue to be dealt with by High Court judges and juries but provision has already been made for an accused to elect to be tried by a judge alone in the High Court.

The restructuring of the courts took a further major step forward with the introduction in December of the Family Courts Bill, the Family Proceedings Bill (No. 2), and the Guardianship Amendment Bill. This legislation will provide the legal framework to enable the complex personal and legal problems associated with marriage breakdown to be resolved.

It is proposed that the Family Courts will be vested with jurisdiction encompassing the bulk of family law matters, including divorce, separation, maintenance, paternity, custody, access, marriage, and matrimonial property, although matrimonial property will remain a concurrent jurisdiction of both the High Court and the Family Court.

The Royal Commission's recommendations for the establishment of a judicial commission are being carefully studied.

The extent of progress on implementation of the Royal Commission's 246 recommendations can be gauged by the fact that 160 of the recommendations have now been implemented or are under action, 34 have been deferred for further study, 36 require no action, and 16 will be or have been arranged administratively. The rate of progress with implementation is extraordinary considering the complexity of the Royal Commission's recommendations. Resorting to the organisational device of appointing an experienced person as a project officer at assistant secretary level has been the key to the impetus given.

The effects of the restructuring already undertaken, and to be undertaken in future, will be the subject of careful monitoring by the Planning and Development Division.

PATENTS DIVISION

Objectives

To ensure that patents are granted and trade marks and designs are registered according to law. To make technical information contained in patent specifications available to the public. To provide advice on

industrial property matters, both domestic and international, to the Minister and Secretary for Justice.

Expenditure and Receipts

Total expenditure for the year amounted to \$1,067,700 which included grants totalling \$90,200. These grants were made up of \$66,200 to International Copyright, and \$24,000 to the International Patent Documentation Centre. Revenue amounted to \$881,800, of which \$840,964 was derived from registration fees and sales of copied documents.

Activities and Achievements

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.

	1977-78 Ended 31 March 1978		1978-79 Ended 31 March 1979		1979-80 Ended 31 March 1980	
	Appli- cations	Fees \$	Appli- cations	Fees \$	Appli- cations	Fees \$
Patents ...	3 085	436,876	3 221	475,726	3 250	475,540
Designs ...	451	12,119	574	15,103	490	13,097
Trade Marks ...	3 799	285,903	4 155	319,869	4 468	343,371
Miscellaneous ...		7,334		8,618		8,956
Totals ...	7 335	742,232	7 950	819,316	8 208	840,964

Patents

The 3250 applications for the grant of letters patent originated in the following countries: New Zealand, 1092; United States, 770; United Kingdom, 376; Australia, 206; West Germany, 180; Switzerland, 155; Netherlands, 84; Japan, 82; France, 79; Sweden, 44; Canada, 30; Italy, 29; South Africa, 20; Denmark, 16; and the balance of 87 from 23 other countries.

The technical content fell into the following categories: chemistry, 1174; mechanical engineering, 899; electrical engineering, 326; building technology, 323; home science, 271; primary industries, 257.

Inventions in the chemical and mechanical engineering fields continue to dominate, although there has been a considerable increase in the electrical engineering field during the year. The following are examples of the wide range of subject matter of patent applications: a large number of pharmaceutical compositions such as antibiotics; herbicides, pesticides, and veterinary compositions, petrochemical applications, such as catalytic conversion of organic compounds, and production of liquid fuels; polymeric compositions; means for laying underwater pipelines; modified internal combustion engines and carburation systems for liquid/gas fuels; electrical and electronic equipment, particularly optically read record playback systems, microcomputer applications, and telephone subscriber accessories; farm machinery; building hardware and modular building systems; devices using alternative energy sources, such as windmills and solar water heaters; and foodstuffs.

The number of patent applications filed by New Zealand citizens continues to be relatively high at 34 percent of the total.

During the year 1620 applications proceeded to acceptance after search and examination, and letters patent were sealed on 1319 applications.

Fifteen oppositions against the grant of patents and no applications for the revocation of patents were filed. Seventeen opposition decisions were issued.

Trade Marks

The 4468 applications for the registration of trade marks originated in the following countries: New Zealand, 1902; United States, 1092; United Kingdom, 341; Australia, 273; Japan, 157; West Germany, 133; France, 128; Switzerland, 100; Italy, 66; Netherlands, 35; Canada, 34; Sweden, 30; Belgium, 23; Denmark, 21; Spain, 20; and the balance of 113 from 27 other countries. After search and examination, 2398 applications were accepted, 2246 were registered, and 3374 existing registrations were renewed.

During the year 2337 searches were made for the companies office in respect of the names of new companies seeking registration. Thirty-eight oppositions were filed against applications to register trade marks and there were 38 applications for rectification of the register. Prior to application 586 requests were answered for searches and preliminary advice on the registrability of marks.

During the year the office signed an agreement of co-operation with the International Patent Documentation Centre and now receives regular cumulating indexes of the patent specifications published by 49 countries. The office has recently started to publish New Zealand patent specifications on microfiche, which are available for sale to the public at a cost considerably less than that for photocopies.

Future Changes and Developments

Total applications received by the office continue to increase, especially in the case of trade marks. However, difficulty is still being experienced in recruiting and retaining staff, especially in the fields of patent and trade mark examining. Although over the past 4 years the ceiling figure has been held steady and current staffing is in excess of that figure it is still lower than it was 5 years ago. With the increase in work this has seriously affected the ability of the office to carry out its statutory functions. Arrears of applications awaiting examination are at a very high level and are continuing to increase. There are over 3300 patent applications awaiting examination and the time elapsing between filing and examination has reached more than 2 years in some subject fields. In particular in the mechanical examination field there is a backlog of work of more than 10 person-years. There are approximately 5500 trade mark applications awaiting examination and the time between filing and examination is now 16 months.

REGISTRAR-GENERAL'S DIVISION AND CHIEF ELECTORAL OFFICE

Objectives

To maintain accurate and retrievable records of all births, deaths, and marriages occurring in New Zealand and to provide certified copies of these records as quickly as possible.

To enable all qualified electors to enrol on the appropriate parliamentary roll, to assist electorate officers to maintain up-to-date electoral rolls and to ensure parliamentary elections are conducted in accordance with the principle of universal franchise, secrecy of the ballot, and the integrity of return.

Expenditure and Receipts

Births, Deaths, and Marriages

Total expenditure for the year amounted to \$904,400. This was largely absorbed by staff salaries totalling \$638,000. Receipts of \$1,026,500 was derived entirely from births, deaths, and marriages certificate and registration fees.

Electoral

Expenditure for the year totalled \$1,206,400 of which \$547,100 was for payment of staff salaries and \$458,100 for the preparation of electoral rolls. Receipts amounting to \$46,200 were derived principally from sales of electoral rolls.

Activities and Achievements

Staffing

Because of pressure of work, staff have found difficulty in dealing with requests for certificates for passports, administration of estates, court proceedings, and genealogy inquiries. Although TEP workers were employed, their lack of knowledge and training and their short service in the office do not assist in providing an efficient, prompt service to the public. Within the electoral field the lack of permanent supervisory officers, the use of TEP workers and the additional tasks required by the Parliamentary Select Committee on the Electoral Law have meant that it has not been possible to achieve a complete up-dating of electoral roll data. Most duplicates have been removed, but the insertion of missing dates of birth and meshblocks is not completed.

Births, Deaths, and Marriages

While the number of births, deaths, and marriages registered shows little variation, there has been a continuing increase in other areas of work.

	1978	1979
Certificates issued	90 193	92 921
Deeds poll lodged	2 173	2 357
Applications received for searches	64 768	73 785
Births not previously registered	309	339
Reregistered births	1 159	1 328
Searches	118 157	126 783

Electoral

The Christchurch Central by-election occasioned by the death of Mr B. Barclay was held on 18 August 1979.

Since 1978 considerable work on cleansing electoral rolls has been undertaken. As at 31 March 92 927 additions, 117 095 corrections, and 360 870 deletions had been made to the electoral rolls. Amongst other things this work involves detecting and eliminating duplicate enrolments within and between electorates and the checking of enrolments on the Maori rolls in accordance with the Hunua decision.

The aim is to complete the roll cleansing and other related tasks by 31 July this year.

Immediately following the report of the 1979 Wicks Committee of Inquiry into the Administration of the Electoral Act I again resorted to the organisational device of appointing a project officer within head office to handle the day to day planning and co-ordination with other departments and agencies required to implement changes to the electoral law and administrative practices. I also established an Officials Committee to oversee the administration of the Electoral Act 1956 and to ensure co-operation and co-ordination between Government departments and agencies involved in electoral administration. This committee, the establishment of which was subsequently endorsed by the Parliamentary Select Committee on the Electoral Law, comprises myself as chairman, the Director-General of the New Zealand Post Office, the Secretary for Internal Affairs, the Government Statistician, a State Services Commissioner, and the General Manager of Computer Services Division of the State Services Commission. The Surveyor-General and the Government Printer have also been associated with specific features of the overall project.

for the implementation of a new electoral administrative system. Both the post office and this department are currently involved in work towards the common objective of restoring public confidence in the state of our electoral rolls. Again much of the impetus for change and new ideas has come from the work of the project officer.

The Chief Electoral Officer Mr J. L. Wright is to retire in May of this year. I believe history will judge him far more kindly than he was judged by some at the height of the roll turmoil in 1978. Faced with legislation that gave insufficient regard to administrative feasibility and lack of top level administrative co-ordination between the several departments involved he nevertheless, despite considerable criticism, some of which was personal, endeavoured to ensure that as many eligible people as possible were able to cast a valid vote.

Future Changes and Developments

Investigations are continuing to provide improved facilities which will enable requests for certified copies of births, deaths, and marriages to be actioned more promptly.

Electoral procedures, forms, and practices await the decision of the Parliamentary Select Committee on the Electoral Law and any subsequent legislative changes.

Over the past 3 years almost 400 persons within the community have been appointed as independent marriage celebrants in addition to those appointed for the celebration of marriages within churches. Should the trend towards use of marriage celebrants for the conduct of marriages in private homes, parks, gardens, and similar places continue, the need for facilities for marriage by registrars should be reassessed. While the historic practice of registry office weddings may have a sentimental value for some the need now seems to be questionable.

PROBATION DIVISION

Objectives

To assist the courts in sentencing criminal offenders and to supervise offenders in various ways, exercising methods of social control and social reformation.

Expenditure and Receipts

Total expenditure for the year amounted to \$8,290,500. The largest item of expenditure was salaries totalling \$6,738,700. Grants totalled \$151,700 which included a grant to P.A.R.S. of \$116,200. Receipts for the year totalled \$94,300. This included \$57,900 from earnings of inmates resident in pre-release hostels, and \$17,500 from board or rents.

Activities and Achievements

In order to achieve its objectives the division:

- Provides pre-sentence reports which assist the courts in sentencing criminal offenders.
- Exercises supervision of those released on probation from the courts or following prison sentences, to prevent further offending and counsels, advises, and directs those placed under supervision in order to assist their social rehabilitation.
- Accommodates some offenders who require control and supervision in making the adjustment to living in the community without offending.
- Contains in work centres those offenders sentenced to periodic detention and supervises them in performing work in and for the benefit of the community.

Workload

The volume of pre-sentence inquiry reports for the courts continued at about the same level as last year while the numbers being supervised on probation and parole declined by over 400 cases. Increases of 2½ percent reporting for periodic detention and 56 percent for community work associated with probation orders taxed resources allocated to those activities.

Staffing

While recruitment of staff has become easier, turnover is still high among professional staff.

The division kept within the staff ceiling allotted to it but not without considerable strain due to the unpredicted increase of 321 cases in periodic detention and probation orders requiring community work. Essential clerical work and record keeping has been difficult to maintain and this has been exacerbated by the withdrawal of TEP workers.

There have been several incidents of industrial action by staff, usually over conditions of employment, resulting, in some offices, in locally-determined imposition of workloads. However, the report of a joint working party of employers and employees studying this issue will provide reassurance to officers that some limits to work pressure have now been set.

The necessity to train staff quickly to a desirable level of competence imposes some strain on supervisory staff. In order to facilitate this training process special courses for the middle management group were provided in 1979.

Probation Programmes

It is unfortunate that, in spite of the extensive use of probation services throughout developed countries of the world, little progress has been made in recent years in assessing adequately the effectiveness of this penal

measure. A recent New Zealand study of reoffending patterns in 500 probation cases showed that 59 percent had appeared before the courts again within a period of 30 months. Chances of reoffending are greater where probationers are 20 years or less, or have a history of previous offending, or, particularly with males, are unskilled or unemployed. As over 70 percent of those released on probation are 20 years or less, the odds are heavily weighted against a successful outcome in these terms.

Probation officers have relied heavily on the treatment model in working with probationers. This approach is no longer confidently accepted. However, it is fortunately the case that in New Zealand treatment programmes have generally been complemented by programmes which offer support to the offender which frequently is not available in the general community. A number of these have been described in previous annual reports. They include outdoor programmes which offer the offender a sense of achievement, and training in social skills, which enhances self-confidence and esteem. An evaluation of one such programme for young unemployed probationers indicated that, while attendance at the course did not seem to improve their employment history, it did reduce dramatically the pattern of offending during the year following the course. Programmes of this type reinforce the belief that counselling needs to be accompanied by support and practical help in personal and social functioning. One such activity is the Salisbury Street Foundation at Christchurch which provides a home and emotional support for drug offenders on release from prison.

We do not know at present whether probation is more effective in reducing crime than the more restrictive alternatives including incarceration. This sanction in any case is not demonstrably less effective, and the kind of services described may well contribute to its being less psychologically and socially costly to offenders than the alternatives. Financially it is enormously less costly to society, the expense of administering probation being very considerably less than that of other sanctions.

It is further pleasing to note that the cost efficiency of the supervision of offenders has improved from a figure of \$410 per probation or parole case in 1978 to \$392 in 1979, notwithstanding the serious inflation element in the economy over that year.

Periodic Detention

While the musters in non-residential periodic detention centres continue to rise each year the residential centres are not fully used. Two centres were closed during the year for this reason. This form of the sentence, which involves taking offenders into custody over the weekend period, was introduced in this country 18 years ago and at that time was original and appeared to have much merit. A recent study, however, has revealed that the residential form of this sentence is no more effective in terms of the reduction of reoffending than is the non-residential type. In reviewing this matter it was decided that residential centres would be phased out over a period of 5 years.

It is pleasing to report that Cabinet approval has been given to the acquisition of surplus Government vehicles for use by periodic detention centres, thus removing the need to hire numerous vehicles. There should be a saving of about \$75,000 once vehicles are obtained and distributed to the 40 centres throughout the country. There are always many detainees well able to assist in maintaining these old vehicles for the limited use they get.

Future Changes and Developments

Over the next 5 years residential periodic detention centres will be closed progressively, the permanent staff redirected where possible to other positions within the department and the properties disposed of. The department's involvement in probation hostels is being studied with a view to determining whether this is an essential function of the department. I will also review the basis of funding for the church social service organisations, our partners in these activities, who find it difficult to continue under the present arrangement of an annual grant of up to \$10,000 towards operating losses. A cost-benefit study of pre-release hostels is being undertaken as part of the review of penal policy. When that is completed consideration will be given to the place of these hostels in our total penal programme.

By the beginning of 1981 all probation and periodic detention records will be stored in the Wanganui Computer, thus eliminating considerable clerical work in the manual recording of statistical data and the keeping of indexes and registers.

MARRIAGE GUIDANCE AND COUNSELLING

In 1979, 6964 cases were accepted for counselling compared with 6814 in 1978, and there were 22 674 interviews compared with 21 937 in 1978. In the 6 964 cases dealt with, 27 134 dependent children and other family members were directly affected by the stability of the marriage. Of the above cases 30 percent were referred by the court for conciliation. Counsellors have continued to place emphasis on reconciliation and, failing this, on the parental roles of the parties after the dissolution of the marriage relationship.

The council has continued to develop in co-operation with the Department of Social Welfare the system for referring applicants for a domestic purposes benefit to counselling before commencing maintenance proceedings.

During the year the National Marriage Guidance Council increased its education services to the community, working more with parents and the adult community than in schools. National selection and training of tutors is well established.

An important development in 1979 was the organisation of a parent educators' workshop where 20 marriage guidance tutors met with representatives of 16 other organisations (voluntary and statutory) to discuss present parent education, to identify the needs of parents at particular stages, and to draw up a programme for meeting these needs. The report of the workshop has been published and widely distributed.

During the year 765 courses were provided by tutors involving 21 393 members for a total of 5440 hours. It is hoped that the increasing educational focus of local councils' work will both provide a preventative service and serve to encourage members of the public to use counselling services at an earlier stage of family difficulty.

LAND AND DEEDS DIVISION

Objectives

To administer the statutory system for registration of title to land, to properly maintain the records of registration for public inspection, and to make land dealings as simple, secure, and inexpensive as possible.

Expenditure and Receipts

During the year ended 31 March 1980 the division's expenditure amounted to \$4,161,100.

This figure excludes rent for land and deeds office accommodation and also the head office overheads for services to district offices.

Revenue from registration and document copying was \$5,294,000. This represents a decrease of \$226,000 on last year's receipts. The fees for land and deeds registration are to be reviewed during the current year.

Activities and Achievements

The following table provides a comparison of the number of instruments registered, certificates of title issued, and plans deposited for the last 5 years.

Year Ending 31 March	Instruments Registered	Certificates of Title Issued	Plans Deposited
1980	624 866	43 816	6 777
1979	640 998	42 176	9 359
1978	565 258	49 516	9 972
1977	616 632	53 196	11 251
1976	570 447	57 008	10 613

The figures show that the upward trend in total instruments registered has not been maintained. Although the number of certificates of title issued shows a slight increase over last year's figure, the number of plans deposited—the lowest since 1972—reflects the continuing decrease in subdivision of land noted last year. The transfers of land registered increased by 5000 over the previous year, but a decrease of nearly 14 000 in mortgage registrations suggests that fewer short-term loans are being made available.

This year saw the coming into force of the subdivision and development provisions in the Local Government Act 1974, the passing of the Unit Titles Amendment Act 1979, and continuing internal work on the review of the Land Transfer Act 1952 commenced in 1978. In July the District Land Registrar, Hawke's Bay, made submissions on behalf of the department to the Royal Commission on the Maori Courts on the relationship between Maori land titles and the land transfer system. The commission also visited the Hawke's Bay land registry office to clarify administrative issues arising from his submissions. Early in the year the District Land Registrar, Otago, was appointed as a project officer to undertake a further review of the Land Transfer Act 1952; he has produced a draft outline for a new statute and is now dealing with the substantive issues that must be considered for inclusion in the new Act.

Registration continues to be processed in all land and deeds offices in reasonable time and, with a few notable exceptions, the public searching services are being maintained. This alone is the most notable achievement of the division during a year in which staff ceiling constraints have continued to place heavy pressure on the skill and experience of senior land and deeds officers. I referred last year to a possible collapse of counter services to the public if TEP workers were withdrawn. This prediction has to some extent been realised in both the Hamilton and

Auckland offices, and several smaller offices are also having difficulty in providing an adequate service. The long-term staffing needs of land and deeds offices must continue to be a matter of serious concern.

A microfilm disaster record of the Auckland certificates of title is currently being undertaken and a record has already been made of the Napier and Gisborne titles.

Future Changes and Developments

The decline in subdivisions noted above is unlikely to be reversed in the near future. There are indications that the staged development provisions in the Unit Titles Amendment Act 1979 have created new interest in this form of development.

My department is participating in an investigation into the feasibility of an office of land record which would combine and rationalise some of the functions of the Land and Deeds Division, the survey and technical branches of the Department of Lands and Survey, and the Valuation Department.

In December 1979 Mr L. H. McClelland retired after 42 years in the Public Service, the last 13 in the position of Registrar-General of Land.

PENAL DIVISION

Objectives

To ensure that persons ordered by the courts to be detained in custody are held in safe and humane conditions appropriate to their classification and in the minimum degree of security necessary, and to offer them during their period of custody such reasonable encouragement, help, or training, as will assist them to live within the law upon release. To provide useful work and opportunities for inmates of penal institutions to learn work skills and good work habits while making some return to the community by the value of their labour.

Expenditure and Receipts

Total expenditure for the year amounted to \$37,689,200 being 44.9 percent of the total gross expenditure for the department. Of this \$22,752,500 was expended on staff salaries. Receipts for the year totalled \$4,395,100. The greatest contribution to this was revenue from prison industries, totalling \$4,176,800.

Activities and Achievements

At the end of March 1980 the male inmate population of 2738 was significantly higher than the 2547 recorded at 31 March 1979. The female inmate population rose to a peak of 159 in October 1979 but has dropped to 128 as at 31 March 1980, compared to 140 at 31 March 1979. Nevertheless, overcrowding still occurs at Mount Eden Women's Division which is quite unacceptable both from the point of view of inmates and staff. It is unfortunately impracticable to find an immediate palliative but urgency is being given to providing a new female institution in the Auckland area.

Matters of grave concern were the homicide of an inmate of Auckland Prison in July 1979 as well as outbreaks of group violence amongst inmates in several institutions. Firm action was taken and will continue to be taken to prevent such occurrences.

This year saw the closure of the Waipiata Youth Centre in Central Otago due to the lack of inmates from the South Island eligible for the open conditions afforded at that institution. The land and buildings were handed over to the Department of Lands and Survey on 28 March 1980. Eighteen full-time and two part-time staff were employed at Waipiata at the time the decision was made to close the institution. One officer who did not wish to transfer finally resigned but all other staff were placed at other locations, mostly of their own choice, without loss of seniority or grading. The staff ceiling positions which became available from this closure were used to help staff the new Manawatu Youth Institution.

Manawatu Youth Institution

Situated at Linton, the new Manawatu Youth Institution was completed during this year, and is now being brought into full use. With the remand unit it totals 120 cells. Facilities include provision for selected young offenders to receive "second chance" education and systematic work skill training.

Legislation

Early in 1979 there was cause for concern about the increase in the number of actual and suspected drug incidents in prisons, and especially the involvement of visitors. By way of amendments to the Penal Institutions Regulations 1961 and the Penal Institutions Act 1954 steps were taken during the year to help prevent and detect the introduction of illicit drugs into institutions. Other amendments to the Penal Institutions Act 1954 now under consideration provide for detection of drugs by means of urine specimens and fingernail scrapings. In implementing the changes to the regulations restrictions were placed on the kinds of items which might be received by an inmate from outside the institution. Rather than provide gifts such as food and hobby materials, relatives and visitors may now send in or leave money for the purchase of these items on the inmate's behalf by prison staff. This applies to remand inmates as well as sentenced persons. It is clear from the comments of superintendents that the new provisions are having the desired effect.

Staffing

An increase of 72 in the staff ceiling for the division has been approved. Of these, 11 were for extra nursing positions, 23 are for the Manawatu Youth Institution, 30 are to bring about a reduction of overtime worked throughout penal institutions and 8 have been approved specifically for Auckland Maximum Security Prison to provide closer supervision following violence amongst inmates. However, these increases have been to a certain extent offset by a "sinking lid" reduction of 31. During this period improved salary scales and staff amenities contributed to improved staff morale and made the task of recruiting suitable staff easier.

Staff Training

In 1979, 490 officers attended courses, seminars, and conferences at the Prison Staff College, maintaining the figure for the previous year. Emphasis has now passed from promotion to training courses and instruction has been given to a much wider range of ranks and specialities. Enrolments for correspondence promotion courses in 1979 decreased to 403.

A new feature has been the successful integration of non-custodial staff into courses originally designed for prison officers. In addition, some special courses for administrative staff were conducted.

Penal Education

Although the number of full-time teachers has remained static at 18, requests for inmate education have increased. This has necessitated careful selection of those accepted. Priorities are basic education, and where possible, particularly with borstal trainees, courses on social and attitudinal education. It is in these areas that many inmates fall short in obtaining and holding employment.

Escapes

During 1979 there were 130 escapes: 55 from prisons, 39 from youth institutions, 13 from hostels and 23 who failed to return from parole. All escapees except one were recaptured.

Chaplaincy

We are well served by the ecumenical nature of the prison chaplaincy. With the exception of one vacancy, the prison chaplaincy service has a full staff in its coverage of 19 penal institutions. Training for chaplains is provided by means of an induction course at the Prison Staff College, regional conferences, and the annual conference programme. The 1979 annual conference was held at the Arohanui Ki Te Tangata Marae at Waiwhetu. Through discussion with Maori leaders, wider understanding was gained of the religious concepts and material needs of Maori inmates.

An example of the concern for the welfare of inmates was the provision of \$1,000 by the Royal Federation of New Zealand Justices' Associations, distributed this year to chaplains in all penal institutions.

The Reverend Canon I. H. Hopkins, O.B.E., recently retired after 20 years as a chaplain with the department.

Medical Services

An increase in staff ceilings, of 11 for nurses and the creation of a new occupational class of nurses who have no custodial function, should allow the department to provide a nursing service that is closely related to that available to the community. This is in accordance with the requirements of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Industries

The long-standing policy of supplying prison industry products only to Government departments and associated agencies has limited the scope for expansion of prison industries, and this of course reduces the possibilities of keeping all inmates employed. Receipts for the year ended 31 March 1980 totalled \$4,176,800, compared with \$3,380,000 for the previous year.

Prison Buildings

The major activity during the year has been construction of the new medium security prison at Auckland. This project is likely to be ready early in 1981. On completion of the new institution, together with the Wanganui and Manawatu institutions finished in 1978, the department will have more adequate accommodation for male inmates.

As already mentioned, there is a serious need for an institution for women in Auckland. Approval is being sought to build a new institution at Papakura in place of the previous approval to construct a youth institution.

The new remand centre within the Invercargill Borstal is under construction and will be completed in 1981. Tenders are being called for the next stage of improvements at the Tongariro Prison and it is hoped to make a start during 1980 on major buildings at Paparua and Rolleston institutions to improve facilities there. The next project of significance will be to replace the ancient, obsolescent, and quite unworkable Napier Prison.

PRISONERS' AID AND REHABILITATION SOCIETY

Because it is a voluntary organisation not identified with statutory agencies, the New Zealand Prisoners' Aid and Rehabilitation Society can work with offenders in ways often not possible for the statutory agency, which is to some extent constrained by its official responsibilities.

The society's voluntary activities are exemplified by its prison visiting service in which over 300 men and women are involved in visiting prisoners on a weekly or fortnightly basis. Prison visiting is beneficial in a number of ways: it provides inmates with an outlet for their anxieties; it provides a bridge between inmates and the community, enabling them to keep a realistic view of society outside the prison; the prison visitor provides a consistent example of someone following a socially acceptable lifestyle; a successful visitor-inmate relationship may continue after the release of inmates, providing him with assistance during this critical period.

Family visiting is seen as complementary to prison visiting. Teams of women visitors in various parts of the country visit inmates' families to provide support and practical assistance. A prison sentence is a time of crisis not only for inmates but also for their families, for whom it may have unfortunate consequences.

At over 30 centres in New Zealand a representative of the society is available to provide aid to ex-inmates and their dependants with the objective that the recipients will not be hindered in re-establishing themselves in the community because of a lack of basic necessities.

The Christchurch Post-Release Hostel closed on 31 March 1979 due to a lack of occupants. The society continues to operate three post-release hostels in partnership with the department.

Inmates' relatives are encouraged and assisted to visit them in prison. To this end the society, by voluntarily maintaining houses owned by the Department of Justice and by billeting visitors, provides accommodation at five penal institutions.

COMMERCIAL AFFAIRS DIVISION

Objectives

To administer and enforce laws relating to commercial practice. To provide for the proper and orderly handling of the winding up of personal estates, partnerships, and companies. To provide advice to the Government on changes in commercial activity and on financial collapses and provide appropriate remedies.

Expenditure and Receipts

Expenditure for the year totalled \$2,466,800 the largest item being salaries of \$2,069,600. Receipts amounted to \$4,410,800. This was made

up of \$4,267,500 from company registration fees and \$143,300 from the commissions earned in the administration of bankruptcies and company liquidations.

Activities and Achievements

Registration

The companies office has seen a year when registration activities and the formation of new companies have shown little variation from last year. There has been some reduction in the amount of late filing fees, but, since there has also been a significant decrease in the total number of documents filed, I am led to the conclusion that some companies are not meeting their obligation to file those documents required by the Companies Act 1955. Given the necessary manpower, it is intended to concentrate effort on this aspect during the 1980-81 year.

Name Approval

An increase from 11 397 to 12 868 applications for approval of names for incorporations occurred during the year, and this increase has emphasised the need to consider as a matter of some urgency the application of new systems to this function. Currently a feasibility study is being commissioned to evaluate various options.

Registration Statistics (31 March)

	1976	1977	1978	1979	1980
New companies ...	8 208	6 441	4 880	5 792	5 753
Total documents ...	272 169	286 152	277 113	265 159	230 219
Total fees† ...	\$962,760*	\$4,015,400	\$3,997,394	\$4,476,390	\$4,267,500

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

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

Inspection

Inspections under the Companies Act 1955 continue to be undertaken and during the year a number were completed. It is unfortunate that, in the Auckland area in particular, finality has still to be reached in a large number of cases. This is primarily due to the continuing commercial problems relating to insolvency that arise in this district.

Insolvency

The increasing level of company liquidations ordered by the court is imposing a burden on the division which cannot be carried at existing staff levels, and at 31 December 1979 there were 1053 incomplete company liquidations on hand. This compares with 528 on hand at the corresponding date in 1976. This backlog cannot be retrieved without the urgent provision of additional manpower, or assignment of cases to outside accountants. Both options are being considered.

Insolvency Statistics (31 December)

	1975	1976	1977	1978	1979
Bankruptcies ...	361	306	417	509	508
Company liquidations ...	171	148	205	285	337
Commissions taken ...					\$143,000*

*First year recorded.

Future Changes and Developments

No drastic changes are envisaged but the division faces a constant need to update procedures and systems to cope with an increasing work load without equivalent staff increases. This need is being examined at present in two areas. First the whole question of whether the present system of filing companies' annual returns and other documents could be reduced and, secondly, the possibility of committing areas of the work to a computer programme is being looked at. Unfortunately this is being hindered by a shortage of funds and is unlikely to make satisfactory progress during 1980-81. This is doubly unfortunate as the computer programme is needed to assist in ironing out fluctuations of work-load which occur at present.

Legislation

Further progress in implementing the recommendations of the 1973 Macarthur Committee has been achieved with the imminent presentation of the Companies Amendment Bill for the consideration of the House.

The anticipated enactment of regulations under the Securities Act 1978 will also provide better regulation of the public solicitation of investment funds, and while increasing the work-load of the companies offices, should be of great service and protection to the investing public.

TRIBUNALS DIVISION

Objectives

To provide administrative support services and facilities for the various tribunals to attend to their business in a just, expeditious, and efficient manner. To ensure that liquor licensing facilities are maintained in accordance with legislative requirements.

Expenditure and Receipts

Major items of expenditure for the division continue to be travel, the provision of professional services, and remuneration and expenses of part-time personnel appointed to statutory boards. Expenditure in those areas amounted to \$535,000, or 38 percent of the division's budget. Total expenditure for the year amounted to \$1,354,500 and receipts totalled \$95,000, being derived mainly from the activities of the Broadcasting Tribunal (fees and levies) and the Licensing Control Commission.

Activities and Achievements

Information pertaining to major activities serviced in the division, such as the work of the Licensing Control Commission, the Broadcasting Tribunal, and the Motor Vehicle Disputes Tribunals, is contained in the separate reports of those tribunals. However, the administrative work associated with servicing those activities and some others, including the Planning Tribunal and the Accident Compensation Appeal Authority, requires some comment. Each of the activities mentioned involves a large volume of business, which is still increasing. In the case of the Accident Compensation Appeal Authority, the increase is such that this particular authority has had to be reconstituted to allow for the appointment of further members to handle the workload. Of the 28 boards, authorities commissions, committees, and tribunals serviced in the division, most attention this year focussed on the activities of the Planning Tribunal.

The National Development Act 1979 created a Fourth Division of the Planning Tribunal. This additional division should assist in reducing the backlog of appeals awaiting fixture, and the current delay of approximately 6 months between the lodging of an appeal and its determination may also be reduced.

The division is currently undertaking an assessment of revenue potential and a review of fees, chiefly in the area of those administrative tribunals where jurisdiction touches upon commercial causes. The objective of this is to substantially base activity on the "user pays" principle.

Future Changes and Developments

The judgments delivered by administrative tribunals serviced in this division now touch upon nearly every facet of New Zealand community life, whether it be in the field of social justice, commercial enterprise, education grants, consumer complaints, or human rights. For the purpose of the long-term orderly and consistent development of administrative tribunals in New Zealand, the structure upon which these particular judicial forums are based may now require some consolidation, not only for the better use of resources, but also for improved access by the public. The time may well have arrived to study the concept of establishing an administrative division of the District Court in which District Court judges would exercise jurisdiction over administrative matters.

PSYCHOLOGICAL SERVICES

Objectives

To provide departmental officers with psychological advice to assist them in their work. To provide expert advice to the department on the need for and the availability of psychological treatment facilities when requested. To develop and research methods of dealing with offenders after their sentence by the courts.

Expenditure and Receipts

Expenditure amounted to \$428,800 of which staff salaries accounted for \$360,100.

Activities and Achievements

During the year the service has carried out various activities directed towards its objectives. In particular it has contrived to provide, on request, statements for courts on psychological treatment in particular cases and has undertaken psychological treatment with a considerable number of individuals under probation jurisdiction or held in penal institutions. It has offered advice about others and continued its reports on individuals for the Prisons' Parole Board. Contributions to staff training, particularly within the Penal Division, have been maintained.

In one instance, at the new Manawatu Youth Institution, a departmental psychologist has been engaged in local advisory work on both the programme and operation of the institution.

Future Changes and Developments

A review of the policy and functions of the psychological service was concluded during the year and a policy decision taken that the service's primary role in future will be to provide a psychological advisory service

to the department, more particularly, at least initially, to the probation and penal divisions. The need for treatment of inmates and probationers will be carefully assessed in individual cases. Where treatment is considered appropriate then wherever practicable this will be arranged through non-departmental resources.

The essence of the division's new role will be to advise officers of the department (and in particular of the penal and probation divisions) on matters where the expertise and experience of psychologists can contribute to the decision made or the action taken. The organisational arrangements for this to be put into effect are now being considered.

The adoption of an advisory role will enlarge and enhance the part that the Psychological Services Division has hitherto played in the work of the department and provide the opportunity for it to make a wider contribution to matters in the field of criminal justice.

J. F. ROBERTSON, Secretary for Justice.

APPENDIX I

PENAL STATISTICS FOR THE YEAR ENDED 31 DECEMBER 1979

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

Table A: Summary of Receptions

	1974			1975			1976		
	M	F	T	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	10 263	560	10 823
Individual persons undergoing sentence	4 601	208	4 809	4 794	240	5 034	5 022	246	5 268

	1977			1978			1979		
	M	F	T	M	F	T	M	F	T
Total receptions (including multiple receptions of the same person but excluding transfers)	9 342	557	9 899	9 584	671	10 255	9 985	753	10 738
Individual persons undergoing sentence	4 505	246	4 751	4 322	275	4 597	4 409	346	4 755

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	1971	...	...	...	19.88
1914 (beginning of World War I)	...	31.05	1972	...	...	...	18.70
1918 (last year of war)	...	15.42	1973	...	...	...	16.75
1928 (boom period)	...	17.37	1974	...	...	...	15.79
1931 (depression)	...	21.17	1975	...	...	...	16.22
1939 (beginning of World War II)	...	15.38	1976	...	...	...	16.91
1945 (last year of war)	...	12.13	1977	...	...	...	15.19
1968	...	15.71	1978	...	...	...	14.69
1969	...	14.17	1979	...	...	...	15.22*
1970	...	17.24					

*Provisional

Table B: Nature of Offence

Year	Offences against the Person								Totals
	Sexual		Other Offences		Offences Against Property*		Miscellaneous		
	No.	% of Total	No.	% of Total	No.	% of Total	No.	% of Total	
1970	158	3.3	481	9.9	2 042	42.0	2 180	44.8	4 861
1971	132	2.3	555	9.8	2 330	40.9	2 678	47.0	5 695
1972	150	2.7	584	10.6	2 234	40.6	2 533	46.1	5 501
1973	188	3.8	685	13.7	1 808	36.2	2 309	46.3	4 990
1974	181	3.8	576	12.0	1 864	38.8	2 188	45.5	4 809
1975	155	3.1	610	12.1	2 160	42.9	2 109	41.9	5 034
1976	154	2.9	734	13.9	2 393	45.4	1 987	37.8	5 268
1977	138	2.9	680	14.3	2 268	47.7	1 665	35.0	4 751
1978	137	3.0	650	14.1	2 085	45.4	1 725	37.5	4 597
1979	161	3.4	692	14.6	2 098	44.1	1 804	37.9	4 755

*Includes forgery and currency offences.

Table C: Length of Sentence

Term of Sentence	Number of Prisoners					
	1974	1975	1976	1977	1978	1979
Imprisonment of—						
Under 1 month...	863	560	581	388	464*	445
One month and under 3 months	817	832	765	699	699	634
Three months and under 6 months	457	484	488	488	555	664
Six months and under 12 months	629	839	929	910	846	941
One year and under 3 years	580	689	819	804	684*	715
Three years and under 5 years	105	148	133	122	141*	156
Five years and over (excluding life)	43	51	66	37	50	74
Life	5	8	13	12	13	11
Borstal Training	763	837	874	742	682	659
Detention in Detention Centre	545	585	600	548	460	456
Preventive Detention	2	1	..	1	3	..
Totals	4 809	5 034	5 268	4 751	4 597	4 755

*Revised.

Table D: Country of Birth

Year	New Zealand born			Other	Total
	Non-Maoris	Maoris			
1970...	2 407	1 822	632	4 861	
1971...	2 732	2 300	663	5 695	
1972...	2 705	2 160	636	5 501	
1973...	2 440	1 965	585	4 990	
1974...	2 347	1 841	621	4 809	
1975...	2 451	1 885	698	5 034	
1976...	2 641	1 974	653	5 268	
1977...	2 266	1 923	562	4 751	
1978...	2 161*	1 886*	550*	4 597	
1979...	2 058	2 138	559	4 755	

*Revised.

Table E: Age of Prisoners

Age Group	1974	1975	1976	1977	1978	1979
Under 20	1 685	1 702	1 823	1 662	1 472	1 511
20-24	1 302	1 535	1 614	1 495	1 461	1 571
25-29	590	686	744	678	660	708
30-39	626	605	585	538	592	577
40 and upward	606	506	502	378	412	398
Totals	4 809	5 034	5 268	4 751	4 597	4 755

Table F: General Summary 1979
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 ... ..	...	32	...	166	...	176	...	22	...	45	...	20	...	30
Arohata (women's borstal) ... ..	...	36	...	96	...	99	...	33	...	50	...	28	...	40
Auckland	207	...	212	...	206	...	213	...	215	...	188	...	203	...
Christchurch ¹	313	...	1 388	...	1 400	...	301	...	334	...	278	...	306	...
Christchurch Women's Prison ... ..	...	47	...	134	...	134	...	47	...	51	...	39	...	45
Dunedin	41	...	730	...	729	...	42	...	60	...	21	...	41	...
Invercargill Prison	4	...	205	...	207	...	2	...	7	...	1	...	2	...
Invercargill Borstal	152	...	230	...	226	...	156	...	166	...	116	...	137	...
Manawatu Youth Institution ² ... ..	...	...	268	...	242	...	26	...	40	...	1	...	24	...
Mount Eden	295	13	3 498	456	3 477	453	316	16	439	33	273	11	360	21
Napier	44	...	544	...	555	...	33	...	59	...	27	...	43	...
New Plymouth	46	...	227	1	228	1	45	...	58	...	43	...	50	...
Ohura	35	...	104	...	88	...	51	...	52	...	30	...	40	...
Rangipo Prison Farm	149	...	327	...	314	...	162	...	168	...	138	...	142	...
Rolleston Detention Centre	19	...	179	...	180	...	18	...	69	...	10	...	30	...
Rolleston Prison	65	...	141	...	146	...	60	...	71	...	52	...	62	...
Tongariro Prison Farm	118	...	294	...	290	...	122	...	129	...	105	...	117	...
Tongariro Detention Centre	41	...	342	...	321	...	62	...	68	...	28	...	50	...
Waikeria Remand Prison	26	...	1 153	...	1 152	...	27	...	63	...	11	...	32	...
Waikeria Prison	43	...	574	...	533	...	84	...	97	...	30	...	72	...
Waikeria Borstal	346	...	429	...	447	...	328	...	346	...	290	...	322	...
Waikeria Detention Centre	4	...	283	...	287	...	...	...	15	...	...	...	5	...
Waikune	83	...	218	...	200	...	101	...	115	...	79	...	92	...
Waipiata ³	30	...	43	...	73	...	...	...	55	...	5	...	35	...
Wanganui ⁴	134	...	600	...	553	...	181	...	198	...	124	...	161	...
Wellington	106	...	1 088	...	1 048	...	146	...	167	...	99	...	138	...
Wi Tako	165	...	206	...	224	...	147	...	162	...	127	...	145	...
Police gaols ... ..	...	...	205	23	204	23	1	...	90	3	...	...	3	...
Police lock-ups ⁵ ... ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...
TOTALS	2 466	128	13 488	876	13 330⁶	886⁶	2 624	118	...	...	...	...	2 612	136

¹Comprises Papanui and Addington prisons. ²Manawatu Youth Institution commenced operation on 16 April 1979. ³Waipiata closed on 3 December 1979. ⁴Comprises two prisons. ⁵No prisoners served a complete sentence in police lock-ups during 1979. ⁶Includes 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.

E. 5
32

APPENDIX II
PROBATION

Table A: Summary of Cases Dealt with in 1979

	Males	Females	Total
Number reporting 1 January 1979	6 168	1 566	7 734
Released on probation during year	5 146	1 554	6 700
Totals	11 314	3 120	14 434
Completed probation during the year	4,491	1 164	5 655
Resentenced on original charge	44	9	53
Committed further offences	514	66	580
Absconded or deceased	181	38	219
Discharged by court	373	87	460
Totals	5 603	1 364	6 967
Number reporting 31 December 1979	5 711	1 756	7 467

Note: 124 probationers were reporting to police probation officers at 31 December 1979.

Table B: Probationers Who Committed Breaches of the Order During the Year Ended 31 December 1979

	Males	Females	Total
...	593	172	765

Table C: Financial Disbursements for the Year Ending 31 December 1979

Restitution	263,138
Fines and costs	135,853
Savings and repayment of debts	685,615
Total	\$1,084,606

Table D: Pre-sentence Reports for the Year 1979

Supreme Court	685
Magistrate's Court	17,720
Total	18,405

33
E. 5

**APPENDIX III
PAROLE
Table A: Parole**

	<i>Males</i>	<i>Females</i>	<i>Total</i>
Number reporting 1 January 1979	1 995	107	2 102
Released on parole during year	2 215	183	2 398
Totals	4 210	290	4 500
Completed parole during year	1 843	99	1 942
Committed further offences	329	39	368
Recalled to prison	16	2	18
Absconded or deceased	84	4	88
Discharged by Parole Boards	15	3	18
Totals	2 287	147	2 434
Number reporting 31 December 1979	1 923	143	2 066

Table B: Parolees Who Committed Breaches of the Licence During the Year Ended 31 December 1979

	<i>Males</i>	<i>Females</i>	<i>Total</i>
	173	25	198

**APPENDIX IV
Table 1: Periodic Detention**

	<i>Males</i>	<i>Females</i>	<i>Total</i>
Number reporting 1 January 1979	1 905	43	1 948
Number sentenced... ..	5 269	226	5 495
Totals	7 174	269	7 443
Completed periodic detention	4 252	143	4 395
Committed further offences	663	26	689
Absconded or deceased	256	25	281
Discharged by court	79	1	80
Totals	5 250	195	5 445
Number reporting at 31 December 1979	1 924	74	1 998

Number who committed breaches of the order during the year ended 31 December 1979—1 535.

Table 2: Community Work as a Condition of Probation

Number reporting at 1 January 1979	485
Number of orders made during 1979	1,542
Number reporting at 31 December 1979	756

APPENDIX V

Court of Appeal—

	1979		
	<i>Number Filed</i>	<i>Number Allowed</i>	<i>Number Dismissed</i>
<i>Criminal</i>			
Appeals against conviction	41	10	30
Appeals against conviction and sentence	46	9	37
Appeals against sentence	106	24	82
Cases stated	1	0	1
Other	33	8	25
<i>Civil</i>			
Appeals or cases stated	96	29	64
Number of sitting days—192			

Supreme Court—

	1975	1976	1977	1978	1979
Writs	4 773	3 349	3 956	4 011	4 399
Divorce petitions	6 236	6 146	6 326	6 682	6 970
Probate applications	16 414	16 057	15 958	15 658	16 346
Chattel securities registered	23 881	28 979	27 671	40 344	47 007
Criminal trials	674	700	662	651	609
Committals for sentence	134	189	222	169	203

Magistrates' Courts—

<i>Civil</i>	1975	1976	1977	1978	1979
Plaints	145 688	141 967	144 309	142 262	123 512
Judgment summonses	25 245	29 899	27 037	24 106	22 045
Warrants	41 082	45 524	44 546	47 536	38 964
Totals	212 015	217 390	215 892	213 904	184 521

<i>Criminal</i>	1975	1976	1977	1978	1979
(Including traffic offences)	489 755	521 312	509 369	495 868	464 542
Traffic offences	318 967	336 858	321 554	335 089	314 600
Total revenue	\$9,351,680	\$10,576,236	\$11,760,444	\$12,123,549	\$16,306,193
Total number of fines imposed	270 795*	328 126	330 234	408 631	321 632
Total amount of fines imposed	\$10,554,169	\$11,726,673	\$13,203,689	\$14,250,322	\$18,708,996
Total number of summonses for examination issued	36 530	67 621	54 317	51 391	58 535
Number of examinations held	4 853	6 508	5 266	6 095	9 586
Total number of fines in respect of which warrants were issued to enforce payment	4 416	4 722	4 034	4 878	3 803
Total number of fines in respect of which warrants of committal were issued and defendants imprisoned	1 998	1 643	1 530	1 139	1 409
Total amount of fines in respect of which warrants of committal were issued and defendants imprisoned	\$158,373	\$145,266	\$133,989	\$138,870	\$186,339
Total number of fines remitted	5 305	7 016	9 479	9 829	9 894
Total amount of fines remitted	\$286 807	\$281,577	\$499,144	\$524,777	\$725,126

*Excluding Childrens and Young Persons Courts.

APPENDIX V—*continued*

Domestic Proceedings—

	1975	1976	1977	1978	1979
Applications	11 661	12 679	13 810	13 552	13 698

END