



TE TANGO TUTARA O TE TURE

(MINISTRY OF JUSTICE)



ANNUAL REPORT

2012-2013 FINANCIAL YEAR.

A. INTRODUCTION

Welcome to this the first Annual Report for the Ministry of Justice (“the Ministry”) for the financial year 2012-13. Earlier this year the Ministry published a report on the Courts for the 2011/2012 year. This report also includes the Ministry report on the Courts as well as the other divisions of the Ministry

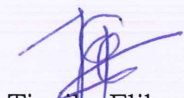
The purpose of submitting this report is to enable the public, whose money (through taxes) is being used in the operations of the Ministry, to be aware of the commitments and dedication of the staff of the Ministry in delivering an effective and efficient Ministry.

It is also to account to Parliament in relation to the budget appropriated for the Ministry of Justice.

As this is a first, some of the information may be incomplete and need upgrading, in that respect any response will be very much appreciated by the Ministry.

The Ministry has not provided a comparative analysis of the statistics contained in this report but will do so in future reports. It will also include comparisons with other law and order entity statistics.

In accordance with Section 9 of the Public Service Act 2009, I have the pleasure of submitting this report.



Tingika Elikana
Secretary of Justice:

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B. WHO WE ARE:

1. The Ministry of Justice occupies a unique position, within the structure of the Government of the Cook Islands. Its functions and services cut across both the judiciary and executive arms of government.
2. In the performance of judicial functions, it is responsible for the provision of logistical and administrative support to the judiciary in order to maintain the independence and impartiality of the judiciary. In doing so it strives to improve and enhance confidence in the judicial system and respect for the rule of law, which are fundamentals of a free and democratic country.
3. In regards its executive functions, it is responsible for the development and implementation of strategies intended to provide effective and efficient service to the people of the Cook Islands. Its functions cut across a wide range of areas; management and rehabilitation of prisoners and probationers, maintaining an accurate and up to date land and survey information system, registers of births, deaths and marriages, including an electoral roll of policies. It also manages the Land Trust account on behalf of landowners.

C. OUR VISION:

4. The Ministry's Vision is:

“Delivering a first class justice, land information and registry service”

D. OUR MISSION:

5. Our Mission:

“To promote a safe, secure, just and fair society, through supporting an independent judiciary, respect for the rule of law, and the provision of accurate, reliable, accessible and sustainable information with a shift towards an electronic environment”

E. OUR VALUES

6. The Ministry of Justice prides itself on the following values:

(a) **Respect** –

- (i) We respect and value others and their assistance and contributions towards our work
- (ii) We share our knowledge and experience generously with others
- (iii) We respect diversity and support one another

(b) **Integrity**

- (i) We strive to be fair, honest, transparent and impartial and take personal responsibility for our actions
- (ii) We strive to set high standards for ourselves
- (iii) We act without fear or favour
- (iv) We make decisions on merits

(c) **Service**

- (i) We are committed to delivering results within agreed timeframes
- (ii) We strive to understand and meet the needs of those to whom we provide services to.
- (iii) We maintain and take good care of our relationships with others.

(d) **Excellence**

- (i) We focus on quality and finding solutions
- (ii) We encourage innovation to achieve better results
- (iii) We aim to be efficient and effective

F. OUR OBJECTIVES

7. The objectives for the Ministry in the reporting period are:

- (a) Reduce the incidence of crime and its impact
- (b) Hold offenders accountable
- (c) Provide an accessible, trusted and respected justice system
- (d) Provide an accurate, trusted and sustainable land information system
- (e) Provide an accurate, trusted and sustainable Registers and Electoral Roll

G. THE DIVISIONS

8. The Ministry is divided into 7 Divisions reflecting its Outputs. This report will focus on the functions and operations of each Division within the Ministry.

(a) Courts and Tribunals:

9. This Division is responsible for the management and provision logistical support to the Courts, Tribunals and Statutory Committees. It is also responsible for the provisions of secretarial services to the Leases Approval Tribunal and the Land Agent Registration Board and other quasi judicial bodies.

10. This Division highlights the dual role that the Ministry of Justice provides in terms of maintaining the independence of the judiciary and upholding the rule of law against its policy development and implementation role.

11. The Judiciary is headed by the Chief Justice of the Cook Islands, the Hon Thomas Crowley Weston QC. All Judges in the Cook Islands are part timers and are either former Judges of the High Court of New Zealand, current New Zealand District Court Judges or New Zealand Maori Land Court Judges, or practising senior lawyers in New Zealand.
12. The administration and management of the Courts and Tribunals is headed by the Registrar of the High Court and supported by the Deputy Registrar of the Criminal and Civil Division of the High Court and the Deputy Registrar of the Land Division of the High Court.

(i) **The Courts:**

The Privy Council

13. The Privy Council is the highest and final appeal court for the Cook Islands. It held its first sitting on two Cook Islands cases on the 18-19 April 2012. It handed down its decision on both cases on the 22 October 2012, in this reporting period.

The Court of Appeal

14. The Court of Appeal of the Cook Islands was established by Article 56 of the Cook Islands Constitution as a superior Court of record. The Court of Appeal has jurisdiction to hear and determine any appeal from a judgement of the High Court of the Cook Islands.
15. Judges of the Court of Appeal are appointed under Article 56(2) of the Constitution. During the reporting period the following are the Judges of the Court of the Appeal;

The Hon Justice Sir Ian Barker KT, QC – President of the Court of Appeal

The Right Hon Justice Sir Kenneth Keith KBE, QC

The Hon Justice David Williams QC

The Hon Justice Robert Fisher QC

16. The Court of Appeal was scheduled to sit for two one week period sessions in the reporting period, one in November 2012 and the other in June 2013. Both sessions did not go ahead, as there were no appeal cases for hearing.

The High Court of the Cook Islands:

17. The High Court of the Cook Islands was established by Article 47 of the Constitution of the Cook Islands. The High Court is divided into three divisions namely: Criminal, Civil and Land.
18. All judges of the High Court of the Cook Islands are appointed under Article 52 of the Constitution. The Chief Justice is responsible for allocating Judges to preside over cases in the High Court.
19. The following are Judges of the High Court of the Cook Islands and normally preside over criminal and civil matters:
 - The Hon Justice Barry Patterson CNZM, OBE, QC
 - The Hon Justice Christine Grice
 - The Hon Justice Sir Hugh Williams KNZM, QC
 - The Hon Justice Colin Doherty
 - The Hon Justice Dame Judith Potter KNZM
20. The following are also Judges of the High Court of the Cook Islands and normally preside over land matters:
 - The Hon Justice Patrick Savage
 - The Hon Justice Wilson Isaac
21. The Chief Justice normally presides over criminal and civil cases. He also exercises a review function for land cases in accordance with section 390A of the Cook Islands Act 1915.
22. Article 62 of the Constitution provides for the appointment of Justices of the Peace. The jurisdiction of Justices is set out in sections 19 and 20 of the Judicature Act 1980-81.
23. The demand for court transcripts, particularly in land matters, has led to the appointment of two stenographers for the courts. Despite the appointments, the demand for court transcripts has increased and two more stenographers are needed to improve the delivery of stenographic services from the courts.
 - (i) Criminal and Civil Division
24. It has been the practice over the years that the Criminal and Civil Divisions of the High Court of the Cook Islands, when presided over by a Judge of the High Court, have a combined session of two weeks duration. The norm is for the criminal matters to be heard in the first week and civil matters in the second week.

25. During the reporting period, there were five scheduled two weeks duration sittings for the Criminal and Civil Divisions of the High Court presided over by a Judge of the High Court.
26. In addition to the above scheduled sittings, there was a special sitting of one week duration presided over by a Judge of the High Court, to hear and determine charges, as a result of the Police operation known as “Operation Eagle” .
27. Beside the scheduled two weeks sessions, the Criminal Division of the High Court also have weekly sittings for criminal matters on Thursdays presided over by a Justice of the Peace. There is also the monthly sitting for civil matters on Fridays presided over by a Justice of the Peace.
28. In addition to the sittings set out in paragraph 27 above, the Criminal Division also have a monthly sitting on Wednesdays presided over by three (3) Justices of the Peace.
29. The following table set out the number of information dealt with by the Criminal Division of the High Court on a monthly basis and the number of convictions;

		Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Number of Information	C	51	135	44	42	46	70	31	42	48	42	72	52	675
	P	54	122	53	39	42	29	60	48	25	25	69	97	663
TOTAL		105	257	97	81	88	99	91	90	83	67	141	149	1338
Number of Convictions	C	14	42	15	17	30	28	9	13	14	10	16	17	225
	P	14	13	24	7	15	11	12	-	1	5	16	17	135
TOTAL		28	35	39	24	35	39	21	13	15	15	32	34	360
Number of Discharge		-	1	-	1	-	2	1	-	-	-	-	-	5
Number of Dismissal by Court		2	-	-	1	-	-	-	-	-	-	-	-	3
Number of Withdrawal		2	23	-	2	1	2	1	5	1	-	-	1	38

“C” = current month
 “P” = previous month

30. A breakdown of key offences heard by the Court is set out below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Burglary	9	4	4	2	2	5	5	6	3	2	2	4	48
Theft	2	1	6	-	3	1	-	-	1	5	2	2	23
Theft as a Servant	3	2	-	2	-	-	-	-	4	-	3	3	17
Common Assault	2	2	1	2	4	5	3	2	-	1	1	-	23

Assault on Female	3	2	1	4	10	3	2	4	8	4	5	-	46
Cultivation Cannabis	-	-	1	-	2	1	-	-	-	-	-	-	4
Possession/use of Cannabis	1	1	2	-	-	2	-	2	1	2	2	-	13
Excess Breath/Blood Alcohol (EBA)	7	9	10	9	8	16	4	9	12	9	15	7	115
Careless Driving	2	2	-	2	1	3	-	-	1	1	1	-	13
Driving While Disqualified	1	2	2	-	3	4	1	2	1	-	2	2	20

31. The large number of assault on females and related violence offences together with the number of drink driving offences is a concern. There is also a concern with the number of drug related offences.
32. The number of civil matters filed in the court during the reporting period is 162 and the number of matters dealt with by the court is 119.
33. A breakdown of some of the civil matters filed in the Civil Division of the High Court is set out in the table below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plaints	2	2	-	2	1	1	3	3	2	1	2	1	20
Original Application	1	-	-	-	-	-	-	2	-	-	2	-	5
Probate	-	-	1	1	1	2	2	-	2	-	2	3	14
Letter of Administration	2	2	1	5	2	1	-	4	-	2	-	-	19
Divorce	1	-	-	1	2	-	2	1	3	1	2	-	13
Domestic Proceedings	-	-	1	1	2	-	-	2	1	3	5	1	16

34. Section 9 of the Legal Aid Act 2004 establishes a legal aid scheme. The scheme applies to criminal proceedings and other proceedings set out in section 9 of the Act. The number of legal aid applications for the reporting period totalled to 22 of which 3 were declined and 1 withdrawn by the applicant.
35. Besides its administration and management of the Court, the Criminal and Civil section is also responsible for the collection of fines imposed by the Court. The total amount of fines collected in the reporting period exceeded the budgeted amount of \$40,000.00 by \$36,370.00.

(ii) Land Division

36. During the reporting period, there were two scheduled sittings of two weeks period for the Land Division of the High Court Division presided over by a Judge. This includes sittings on the island of Aitutaki.
37. Further, the Land Division of the High Court, presided by a Justice of the Peace, has travelled to Aitutaki and Atiu to hear applications in regards to land on those islands.
38. The total number of applications filed in the Land Divisions for the reporting period is 1034. The total number of applications dealt with in the reporting period is 1415, including matters adjourned from the previous reporting period.
39. Article 48(3) of the Constitution limits the Land Divisions of the High Court from exercising its jurisdiction on the islands of Pukapuka (including Nassau), Mitiaro and Mangaia.
40. Set out in the table below are some of the applications received by the Land Division in the reporting period:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Succession	24	34	33	40	52	49	72	60	18	21	37	41	481
Occupation	7	4	9	8	41	11	9	17	12	11	2	16	147
Partition	4	0	2	1	1	0	0	1	11	1	1	0	22
Section 390A	0	1	1	2	1	2	3	0	0	0	0	0	10
Confirmation of Resolution	6	4	1	12	15	6	11	1	9	5	13	9	92
Ex-parte - application to enforce security	2	3	2	1	4	1	2	6	8	2	0	4	35

41. In addition to the scheduled sittings, the Land Division of the High Court, presided by a Judge, sat for two weeks to conduct an investigation in to the land known as Pokoinu 107, to determine the landowners.
42. The Chief Justice also exercises a review function in accordance with section 390A of the Cook Islands Act 1915. As set out in the table above the number of applications for review were 10 in the reporting period. The section 390A power is only exercisable by the Chief Justice only.
43. One of the challenges for the Land Division of the High Court is addressing the needs of the Northern Group islands. This has been made difficult by the costs of transportation to the Northern Group..

44. The number of cases to be heard in the Northern Group islands of Manihiki, Rakahanga and Penrhyn is as follows:
- a. Manihiki 73 - the earliest being filed in 1993 - these include investigation of title to lands and tribal titles.
 - b. Rakahanga 17 - the earliest being filed in 1994 - these includes investigation of title to lands and tribal titles, and successions.
 - c. Penrhyn 69 - the earliest being filed in 1993 - these include investigation of titles and tribal titles, and successions.
45. The Ministry envisaged sending a Judge of the Land Divisions of the High Court to the Northern Group in the 2014/15 financial year.
46. The number of outstanding cases in the outer islands underlies the difficulties by the Land Court Division in meeting the demand on the services of the Land Court presided by a Judge. Currently there are two, two week sessions every year which are insufficient to meet the demands. It is proposed to have four, two weeks session each year, however this depends on the budget.

The Childrens Court

47. The Childrens Court was established as a Division of the High Court by Part III of the Prevention of Juvenile Crime Act 1968. The court deals with children between the ages of 10 - 17.
48. The number of information filed in the Children Court in the reporting period is as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
No of information	1	13	14	5	5	13	4	5	1	21	-	3	85

49. The number of young people appearing before the courts is a problem that needs addressing.
50. In its effort to identify solutions to the problem, a delegation, including the Secretary of Justice, Registrar of the High Court and other government officials, from the Cook Islands travelled to the Manukau District Court in the reporting period to observe the operations of the Manukau Pasifika Youth Court. It is intended to adopt some of the procedures in the Cook Islands Children Court.

The Coroners Court:

51. The Coroners Court is established by the Coroners Act 1979-80. The main objective of the Coroners Court is to established, through an inquest, the fact that a person had died, the identity of the person and when, where, and how the death occurred.
52. In the reporting period the number of deaths reported to the Coroner and inquest conducted by the Coroner are:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Reported	3	5	6	4	2	7	2	1	2	1	3	0	36
Completed	3	5	6	4	2	7	2	1	2	1	3	0	36

53. There are two outstanding inquests yet to be completed from previous years. One is awaiting the statutory 7 year period to expire before a decision is delivered and the other is adjourned sine die due to lack of direct or circumstantial evidence as what might have happened to the victim.
54. There was one post-mortem ordered in the reporting period.

(ii) Tribunals

55. The Leases Approval Tribunal was established by Section 4 of the Leases Restrictions Act 1976. The main function of the Tribunal is to consider applications for approval of leases, assignment of leases and subleases.
56. The number of applications received by the Leases Approval Tribunal during the reporting period is as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
No of Leases Applications Received	29	19	22	45	43	19	6	22	27	36	20	8	296
Approved	29	19	22	45	43	18	6	22	26	36	14	8	288
Commercial	9	-	4	4	9	5	3	3	3	7	2	-	49
Residential	20	19	18	41	34	14	3	19	24	29	18	8	247

57. The number of Meetings of Assembled Owners convened in the reporting period was 107 for Rarotonga and 16 for Aitutaki.

58. The Land Agents Registration Board was established by the Land Agents Registration Act 2009. The Board is responsible for vetting and approving applications by any person to be registered as a Land Agent.
59. The Board had met 8 times this reporting period to address issues. It had received 6 applications for registration as Land Agents and approved all of the applications.

(b) Land Information

(i) Land Titles and Land Trust

60. This Division is responsible for the management, update and maintenance of Land Information which includes the Land Register of Titles, the Land Trusts Fund and the maintenance and update of land survey maps and information.
61. This Division is headed by the Registrar of the High Court and assisted by the Deputy Registrar of the Land Titles and Land Trust Fund and the Chief Surveyor.
62. During the reporting period the following updates and changes to the Land Register of Titles were made:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of entries onto the LROT	101	67	65	72	57	20	75	189	73	152	127	92	1090
Rarotonga	71	55	57	67	45	12	30	135	13	46	23	20	574
Aitutaki	30	12	8	5	12	8	45	54	42	105	104	23	448
Atiu	-	-	-	-	-	-	-	-	18	1	-	49	68
Total number of land parcels affected by court orders (Application and Deeds)	266	249	130	260	76	95	304	356	226	501	567	264	3294
Rarotonga	159	213	103	231	45	45	69	107	114	110	39	39	1274
Aitutaki	107	36	27	29	31	50	235	249	69	369	528	107	1837
Atiu	-	-	-	-	-	-	-	-	43	22	-	118	183
Number of Landowners entered onto LROT	752	959	418	1301	595	651	1786	3646	859	2842	4127	2120	20056
Rarotonga	336	482	234	1209	291	261	89	423	475	713	-	60	4573
Aitutaki	416	477	184	92	304	390	1697	3223	255	2093	4127	1174	14432
Atiu	-	-	-	-	-	-	-	-	129	36	-	886	1051

63. The number of Orders granting leave to mortgagors to enforce their security is 34 for the island of Rarotonga. This normally arises through the inability of the mortgagee to pay back the monies owed.
64. One of the challenges facing the Land Register of Titles Section is the accuracy, completeness and up-to-date records entered onto the Land Register of Titles.
65. Since the destruction by fire of the Ministry of Justice building in 1992 where some of the records were destroyed, the Ministry have been trying to rebuild a complete Land Register of Titles with the help of landowners, lawyers and interested third parties who have copies of some of the records destroyed by the fire. The Ministry is indebted to these people for the assistance in endeavouring to have a complete, accurate and up-to-date Land Register of Titles.
66. In 2002, the Ministry embarked on a “digitizing” program of the Land Register of Titles. Unfortunately human error occurs where some of the records were not entered onto the Land Register of Titles by the data entry operators at the time. This has contributed to some of the missing entries on the Land Register of Titles.
67. The Ministry have been allocated funding to rectify this problem in the 2013/14 financial year.
68. The Land Trust Section is responsible for managing and ensuring the allocation of rents or monies received under section 492 of the Cook Islands Act 1915 are properly allocated to landowners or beneficiaries.
69. In the reporting period, the number of monies or rents received totalled to \$795,611.74 and the sum of \$748,162.77 were paid out to those entitled to that money. The number of landowners entitled to the \$795,611.74 totalled to 14,215. Of that number 804 were paid there entitlements.
70. The total number of payments, land involved, and number of beneficiaries is set out in the table below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
No of payments	34	54	39	36	47	34	27	22	19	29	33	53	427
No of land parcels	72	97	62	111	67	46	77	89	95	101	54	62	933
No of Beneficiaries	886	1635	2658	680	795	1650	565	680	471	1060	1265	1870	14215

71. As a result of some errors on the Land Register of Titles, the Ministry was taken to court by landowners to recover their entitlements. The Ministry was ordered by the Court to pay to some landowners the sum of \$8,367.67 as a result of payments being made to the wrong landowners.

(ii) Survey.

72. The Survey Section, formerly a department of the Ministry of Infrastructure and Planning was relocated with the Ministry of Justice in September 2012. This is in compliance with a Cabinet direction.

73. This move enables discussions between the Survey Section, the Land Court Divisions and the Land Register of Titles to take place in regards matters affecting land in the Cook Islands. It leads to an improved service to the public.

74. In the reporting period, the number of survey plans examined and drawn are as follows:

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plans Examined					*	13	12	14	10	9	21	11	
Plan Drawn						2	16	0	7	4	5	10	

*the records only begin after a request from the Secretary for reporting on the number of survey plans issued.

75. The safety, security, storage and sustainability of survey maps and information is a matter of concern to the Ministry. All survey maps and information are on hard copy and need to be transformed onto soft copies or digitised. The Ministry is currently digitising the Birth, Death and Marriages information. This will be followed by the Land Register of Titles Registers.

76. It is envisaged that after the Land Register of Titles Registers, the survey maps and information will be digitised. Unless of course government could provide funds for the acquisition of another scanning machine. The Ministry have already spoken to the Cook Islands Investment Corporation for an extension of the Ministry building to enable storage space to be provided, not only for the survey maps and information but also the Land Register Titles Registers and other Registers. The current storage space is insufficient.

77. The Ministry has purchased a new AUTOCAD program for the Survey Section.
78. It is envisaged in the next financial year that the Survey Section will be undertaking survey work as the costs of survey by private surveyors is delaying the ability of the Land Titles Section to update the Land Titles Register and the sealing of Partition and Occupation Right Orders as ordered by the Land Division of the High Court.

(c) Registry

79. The Registry Division is responsible for managing, updating and maintaining the accuracy of information entered into the following registers:
- i. Births Register
 - ii. Deaths Register
 - iii. Marriages Register
 - iv. Companies Register
 - v. Incorporated Societies Register
 - vi. Electoral Roll
80. The Division is headed by the Registrar of the High Court and assisted by the Deputy Registrar of Birth, Death, Marriages and Companies.
81. The accuracy of information entered into these Registers is important in maintaining the integrity and reputation of the Registers. Any mistake or error in the information entered into these registers could lead to disputes and the potential to expose the government to civil suit.
82. The total number of registers is set out in the table below:

Islands	Birth	Death	Marriage
Rarotonga	75	21	122
Aitutaki	20	7	28
Mangaia	12	6	13
Atiu	10	5	8
Mauke	8	5	7
Mitiaro	5	3	3
Manihiki	7	4	5
Rakahanga	4	3	4
Penrhyn	5	3	6
Palmerston	1	1	2
Pukapuka	7	3	5
Nassau	2	-	1
TOTAL	156	61	204

83. There is concern over the state of these registers and the need to preserve the information contained in them. They are in an appalling state as a result of neglect, wear and tear, and overuse. These registers are now being repaired to enable them to be scanned.
84. The Ministry in the last financial year has commenced scanning all these registers. Unfortunately due to the lack of air conditioning the scanning machine cannot be utilised to its full potential. Despite repeated requests to repair the air conditioning, it has not been repaired.
85. The number of births, deaths and marriages registered in the reporting period are:

Islands	Births			Deaths			Marriages		
	M	F	Total	M	F	Total	R	V	Total
Rarotonga	130	119	249	50	32	82	39	751	790
Aitutaki	5	7	12	7	4	11	1		1
Mangaia	1	1	2	5	3	8	1		1
Atiu	1	2	3	2	2	4	1	1	2
Mauke	-	-	-	1	2	3	1		1
Mitiaro									
Manihiki	1		1		1	1			
Rakahanga									
Penrhyn				1	1	2			
Palmerston									
Pukapuka	3	3	6		1	1			
Nassau									
TOTAL	141	132	273	66	46	112	43	752	795

“R” = residents

“V” = visitors

86. The number of visitors getting married in the Cook Islands during the reporting period is 752.
87. The number of certificates issued in the reporting period are:
- | | Jul | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Total |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|
| Births | 285 | 350 | 229 | 266 | 275 | 230 | 343 | 277 | 245 | 282 | 269 | 239 | 3290 |
| Deaths | 50 | 57 | 39 | 23 | 35 | 45 | 37 | 41 | 34 | 37 | 42 | 24 | 464 |
| Marriages | 85 | 117 | 108 | 97 | 101 | 70 | 74 | 72 | 79 | 89 | 116 | 77 | 1085 |
| Total | 420 | 524 | 376 | 386 | 411 | 345 | 454 | 390 | 358 | 408 | 427 | 340 | 4839 |
88. The number of companies and other matters registered in the reporting period are:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Approval of Name	14	12	5	8	9	8	9	11	16	6	9	12	119
New Registration	6	7	3	7	6	7	4	8	9	5	4	5	71
Annual Registration Paid	66	65	28	22	3	1	11	13	38	212	240	170	869
Charges	1	4	3	7	5	2	1	4	-	1	2	4	34
Satisfaction of Charge	3	5	-	6	-	2	-	2	3	-	2	-	23
Registration of Chattels	14	17	18	12	9	26	1	13	17	15	19	9	170
Satisfaction/Renewal of chattels	7	-	-	2	-	-	-	1	2	5	4	-	21
Penalty Fees imposed	-	-	6	-	2	-	-	-	-	14	6	2	30
Searches	9	6	10	8	17	10	2	10	5	5	13	10	105

89. The numbers of companies where women are registered as Directors is 47 and as Secretaries is 34.

90. The number of Incorporated Societies registered in the reporting period is 31.

(d) Prison Services Division

91. The Prison Services Division is responsible for the management, security and rehabilitation of persons sentenced to custody inside the Arorangi Prison. The Division is headed by the Superintendent of Prisons.

92. The total number of inmates inside the Prison for the reporting period are:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	25	25	30	30	30	38	31	34	35	38	28	21
F/Male	3	3	3	3	3	2	2	1	1	1	1	1
TOTAL	28	28	33	33	33	40	33	35	36	39	39	22

93. The total number of people on remand in prisons is as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	5	5	4	4	4	7	7	7	4	7	4	11
F/Male	1	1	-	-	-	-	-	-	-	-	-	-
TOTAL	6	6	4	4	4	7	7	7	4	7	4	11

94. The total number of persons in prison, inclusive of inmates and remands, are:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	30	30	34	34	34	45	38	41	39	45	32	32
F/Male	4	4	3	3	3	2	1	1	1	1	1	1
TOTAL	34	34	37	37	37	47	39	42	40	46	33	33

95. A breakdown of the age group of inmates in Arorangi Prison is as follows:

	<17	18-20	21-25	26-30	31-35	36-40	>40	Total
Jul	4	3	5	2	8	3	3	28
Aug	4	3	5	2	8	3	3	28
Sept	3	4	5	1	7	4	9	33
Oct	2	5	4	2	8	5	7	33
Nov	4	5	5	1	8	3	14	40
Dec	2	4	3	3	7	4	10	33
Jan	2	2	4	2	9	3	13	35
Feb	2	2	4	2	8	3	15	36
Mar	2	3	4	2	8	1	20	39
Apr	3	4	4	2	8	1	17	39
May	1	4	3	4	9	2	16	39
June	1	4	3	4	9	2	9	32

96. The rehabilitation of inmates is a key function of the Prison Services Division in assisting inmate “fit back” into the community. The Ministry is indebted to the Ministry of Education for its continued supports in providing literacy and numeracy programs, together with the counselling of inmates.

97. The Ministry is also indebted to Sister Margaret and her helpers, Kevin Iro and his team, the Men Against Violence Rotaianga group, the Lighthouse Counselling group, Punanga Tauturu Inc and the Red Cross group and many others.

98. In the reporting period there were training courses in motor mechanics, carpentry and hospitality delivered by the Ministry of Education. A boat-master course has been approved and will be delivered by the Ministry of Transport in the 2013/14 financial year.

99. Besides the training and counselling provided to inmates, the prison also runs two schemes to assist inmates.

100. The first is the work scheme program which enables inmates to be released to work for a hirer during the hours of 8.00am and 4.00pm Monday to Friday. This scheme is available to inmates who have been sentenced to 12 months or more and have been assessed to be suitable for the program.

101. The costs of hiring an inmate depends on the skill level of the inmate; Those with specialised skills in the trades or occupation and hired by employers or businesses are hired out at \$10.00 an hour, those with lesser skills hired by business are at \$6.00 an hour and those hired by the general public for general work is \$30 per day.

102. The other scheme is the work gang scheme. This scheme was designed to minimise the cost of feeding inmates in the Prison. It is a new initiative designed to assist farmers and casual growers who requires labour assistance in cleaning and planting their land and also harvesting their crops. This work is carried out between the hours of 7.00am and 9.00am when required.
103. The work gang program is aimed at those who are sentenced to imprisonment for 12 months or less and have been assessed to be suitable for the program. However in some instances, inmates that have been in prison for a longer period have participated in the program to assist with the objectives of the program.
104. The number of requests for assistance under the work scheme program during the reporting period totalled to 11, including preparing taro patches, cleaning lands and planting taro. As a result the Prison received the following assistance:
- i. 12 carton chickens
 - ii. 07 carton chops
 - iii. 2 x 16 ltr ice cream
 - iv. 3 x 5 ltr ice cream
 - v. 7kg sausages
 - vi. 2 carton noodles.
 - vii. 1 x 40 ltr water container.
105. Inmates are also encouraged to make crafts, like ukuleles, for sale in the Prison Craft shop.
106. Any monies received by inmates either form the work scheme or sale of crafts is banked into the inmate bank account for his/her use or to assist them when they are released from custody.

(e) Probation Services

107. The Probation Services Division is responsible for the management and control of those placed on probation by the Court and those released on parole by the Parole Board. The Divisions is also responsible for providing secretarial services to the Parole Board and the Juvenile Crime Prevention Committee. The Division is headed by the Chief Probation Officer.

108. The total number of persons placed on probations and community service and their employment status for the reporting period are as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	66	70	68	65	67	69	60	60	52	56	55	59
F/Male	9	8	9	10	11	15	13	14	15	16	14	17
Total	75	78	77	75	78	84	73	74	67	72	69	76
Employed	34	47	41	32	45	51	48	52	47	47	51	53
Unemployed	40	31	37	43	33	33	25	22	20	25	18	23
Community Service	18	23	24	23	27	30	23	26	27	29	23	17

109. The total number of persons on probation and their district of residence is set out below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Takitumu	26	26	25	20	22	21	17	22	23	24	24	24
Puaikura	17	18	18	19	18	21	16	15	13	16	15	19
Teautonga	32	34	34	36	38	42	40	37	31	32	30	33
Total	75	78	77	75	78	84	73	74	67	72	69	76

110. A breakdown of the age groups of persons placed on probation is as follows:

	16-18	19-21	22-24	25-27	28-30	31-34	>35	Total
Jul	20	14	8	11	6	4	12	75
Aug	14	11	10	14	7	5	17	78
Sept	24	10	10	13	5	3	13	78
Oct	14	15	9	12	4	6	15	75
Nov	13	19	11	11	3	5	16	78
Dec	14	21	11	11	3	5	19	84
Jan	11	21	8	7	3	6	17	73
Feb	12	22	6	6	4	7	17	74
Mar	8	23	8	5	6	5	12	67
Apr	9	21	10	5	3	7	17	72
May	8	18	13	4	5	6	15	69
June	8	18	6	7	4	7	26	76

111. The number of persons sentenced to probation by the Court and released on probation from Prison is set out below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Court	2	3	2	4	6	9	1	3	6	3	4	8	51
Prison	-	1	-	1	1	1	-	3	1	1	1	2	12
Total	2	4	2	5	7	10	1	6	7	4	5	10	63

112. The total number of probation reports prepared by the Probation Service to assist the court is 132. The majority of recommendations in these reports were followed by the courts in sentencing offenders.

113. The number of probationers in the outer islands are as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Aitutaki	6	8	7	6	6	6	8	8	8	8	9	7
Mauke	1	1	1	1	1	1	1	1	1	-	-	-
Rakahanga	-	-	-	-	-	-	-	-	-	-	1	1
Penrhyn	-	-	-	-	-	-	1	1	1	1	1	1
Manihiki	-	-	-	-	-	-	-	-	-	-	1	1
Total	7	9	8	7	7	7	10	10	10	9	12	10

114. The number of complaints lodged with the Juvenile Crime Prevention Committee in the reporting period is 36 and the committee met three times.

115. The Ministry in collaboration with interested parties, Ministry of Police, Ministry of Internal Affairs, Ministry of Health and Ministry of Education will focus on more on youth justice in the coming financial year. There will be greater participation by stakeholders in formulating solutions, either through counselling or family group conferences, to assist our young people before they are

116. In the reporting period the Probation Services undertook a weekend monthly night patrol of the town area. The objective of these patrols is to eliminate or minimise the number of children loitering in town without their parents or guardians. Where a child is found without his/her parents or guardians, the child, after assessment, is reported to the Juvenile Crime Prevention Committee.

117. As part of its monitoring activities the Probation Service conducted 97 home visits.

(f) Corporate and Financial Services:

118. The main function of the Corporate and IT Division is to provide financial advice and IT support to all Divisions of the Ministry. The Divisions is currently co-headed by the Financial Director and the computer programmer. The position of IT Manager was approved however funding was removed as a result of a Cabinet decision to make redundant any position that has not been filled over 12 months. The decision had an impact on the Ministry meeting its IT needs and programs.

119. The delay in the appointment of the IT Manager is partly due to the late appointment of the current Secretary, which was in September 2011. He was faced with other pressing issues and the appointment of the IT Manager was not a priority at the time. Unfortunately, in addressing those pressing issues, appointment of the IT Manager was not made in the 11/12 financial year.
120. The Division had met its reporting obligations under the MFEM Act 1980-81 and the Public Service Act 2009. It has been able to ensure that the IT needs of the Ministry are addressed.
121. The Ministry have been allocated a capital budget to purchase computers for the Ministry and this had been actioned. The savings from this capital budget enabled the purchase of the Survey Section AUTOCAD software program mentioned earlier.
122. The Ministry is committed to upgrading the skill levels and knowledge of its employees. It adopted an education policy consistent with this commitment.
123. The Ministry will pay for fees of the course, where the staff pass he/she progressed to the next stage, and where he/she fails, he/she reimburses the Ministry before progressing to the next stage. A total of 9 staffs have enrolled in courses covering law and management subject and 7 have passed their papers.
124. The Ministry has been fortunate to have secured attachment placing under the NZAID STTA program. This had enabled the ministry to send some its staff on attachment with New Zealand Counterparts.
125. The Ministry has also been very fortunate to secure assistance under the Pacific Judicial Development Program (PJDP). This had enabled a number of Justices of the Peace and employees in the Court and Tribunal Division to attend workshops and training attachments overseas. The PJDP has also funded a JP mentoring programme which has enabled seven (7) Justices of the Peace to travel to the District Court at Manukau for a week at a time to observe the operation of that Court.
126. At the time of completion of this report the Ministry audited accounts have not been completed. However taken from its variance report for the end of the financial year the following factors are identified:

- a. The Ministry has overspent its personnel budget to the sum of \$65,027.00. This is as a result of the 2% reduction in the personnel budget and the removal of the IT Manager salary from the ministry budget.
 - b. The Ministry has overspent its expenditure budget to the sum of \$70,743.00. This is as a result of the 5% reduction to the budget and increase in the number of court sitting days presided over by a Judge. In the reporting period the High Court of the Cook Islands sat through a period of seven of weeks presided over by a Judge. This is a first in for the Courts in the Cook Islands.
 - c. The Ministry has increased its trading revenue to the sum of \$28,964.00 over its budgeted trading revenue.
 - d. The Ministry has made a saving of \$28,536.00 from its legal aid budget and \$56,303.00 from the Judges Salaries budget. Both these items are POBOC under the budget. The latter is as a result of cancellation of two Court of Appeal scheduled sittings in the reporting period. The former is as a result of a change of policy in dealing with Legal Aid applications.
 - e. The Ministry has exceeded its ROBOC budget to the sum of \$36.370.00. This is as a result of improvement of procedures related to the collection of fines.
127. Renovations were carried out to the building. These include changes to courtroom 2 and the installation of a new water tank and pump.
128. A report was prepared on the fire alarm system for the building which has not been working. It is envisage that a new fire alarm system will be installed in the next financial year.
129. The lack of air conditioning within the Ministry has affected the performance of the Ministry, both personnel and equipments. The scanning machine cannot be operated at 100% due to the lack of air conditioning. The Judiciary and users of the building, including the courts, complained about the lack of air conditioning as it affects their performance. Despite repeated requests for it to be fixed, it has not been fixed.

H. CONCLUSION:

130. The staffs of the Ministry of Justice are amongst some of the lowest paid public servants. This is complicated by the fact that the increase to salaries received in the 2011/12 budget was based on information prepared for the previous budget year. Further, the decision to bring everyone to their minimum band fails to take into account the seniority of some staff within the Ministry. This has created animosity and tension

between staff. This was the situation that the current Secretary walked into in September 2011.

131. Another concern is the fact that the salaries of the public servants, other than the Head of Ministries, are evaluated on a system based on a template approved in 2009 by Cabinet. There is a need to review the remuneration system to ensure that it is compatible with that of the Head of the Ministry. A gap in the range of \$20,000.00 - \$40,000.00 between the Head of Ministry and the most senior public servant in the Ministry is unacceptable. Even anything in the range of \$10,000.00 - \$20,000.00 between senior public servants is also unacceptable. It is downright ridiculous.
132. If our people are our key resource, than we need to recognise their efforts accordingly. Failure to do so mean our people will continue to leave our shores, something the Ministry is currently facing.
133. The Prison Services is still under-staffed, with two staff looking after a population of inmates that average about 35 every day of the year on night shift. There is a potential problem of a breakout in the future - if tensions between inmates and wardens increased.
134. Due to lack of facilities, the Prison is being used to accommodate mentally disturbed inmates/patient and this place more stress on the prison wardens who are not trained to deal with mental health issues.
135. The Probation Services is still performing youth justice roles on top of their monitoring and reporting duties.
136. The Land Court Division, Land Titles and Trust, together with the Survey are still trying to meet the demands of the public in regards to land matters.
137. Despite these challenges, the staffs of the Ministry have again proven their commitment and dedication to serving the people of the Cook Islands.

ANNEX 1.

**STATEMENT OF APPROPRIATIONS
FOR THE 12 MONTHS ENDING 30 JUNE 2013**

VAT EXCLUSIVE	Month to Date			Year to Date		
	Budget \$	Actual \$	Variance \$	Budget \$	Actual \$	Variance \$
TOTAL OUTPUTS						
Trading Revenue	39,180.00	48,718.12	9,538.12	467,765.00	496,728.72	28,963.72
Crown Revenue	105,476.00	109,375.65	3,899.65	1,371,143.00	1,436,169.90	65,026.90
Total Revenue	144,656.00	158,093.77	13,437.77	1,838,908.00	1,932,898.62	93,990.62
Depreciation	7,855.00	9,007.85	(1,152.85)	93,897.00	93,897.00	-
Expenditure	32,990.00	85,288.00	(52,298.00)	410,724.00	481,467.40	(70,743.40)
Surplus/(Deficit)	103,811.00	63,797.92	66,888.62	1,334,287.00	1,357,534.22	164,734.02

(1 COURT & TRIBUNAL)

Trading Revenue	9,170.00	8,502.63	(667.37)	110,000.00	103,698.09	(6,301.91)
Crown Revenue	28,149.00	29,321.72	1,172.72	365,877.00	375,828.11	9,951.11
Total Revenue	37,319.00	37,824.35	505.35	475,877.00	479,526.20	3,649.20
Depreciation	1,427.00	592.00	835.00	17,058.00	17,058.00	-
Expenditure	3,790.00	17,541.90	(13,751.90)	87,185.00	97,427.20	(10,242.20)
Surplus/(Deficit)	32,102.00	19,690.45	13,422.25	371,634.00	365,041.00	13,891.40

**(2 LAND
ADMINISTRATION)**

Trading Revenue	11,896.00	4,221.00	(7,675.00)	142,730.00	112,095.93	(30,634.07)
Crown Revenue	14,690.00	16,115.06	1,425.06	190,976.00	206,394.05	15,418.05
Total Revenue	14,690.00	20,336.06	(6,249.94)	333,706.00	318,489.98	(15,216.02)
Depreciation	1,427.00	1,292.00	135.00	17,058.00	17,058.00	-
Expenditure	14,980.00	18,197.46	(3,217.46)	113,094.00	124,437.33	(11,343.33)
Surplus/(Deficit)	(1,717.00)	846.60	(3,167.48)	203,554.00	176,994.65	(3,872.69)

(3 REGISTRY)

Trading Revenue	12,614.00	24,265.84	11,651.84	151,335.00	188,078.98	36,743.98
Crown Revenue	6,676.00	7,588.58	912.58	86,789.00	97,880.54	11,091.54
Total Revenue	19,290.00	31,854.42	12,564.42	238,124.00	285,959.52	47,835.52
Depreciation	959.00	1,538.85	(579.85)	11,453.00	11,453.00	-
Expenditure	1,600.00	7,854.52	(6,254.52)	36,290.00	35,886.43	403.57
Surplus/(Deficit)	16,731.00	22,461.05	19,398.79	190,381.00	238,620.09	47,431.95

(4 PRISON SERVICES)

Trading Revenue	5,500.00	11,728.65	6,228.65	63,700.00	92,855.72	29,155.72
Crown Revenue	30,386.00	28,867.08	(1,518.92)	395,018.00	404,444.17	9,426.17
Total Revenue	35,886.00	40,595.73	4,709.73	458,718.00	497,299.89	38,581.89
Depreciation	1,427.00	2,189.58	(762.58)	17,058.00	17,058.00	-
Expenditure	10,000.00	24,597.41	(14,597.41)	97,685.00	140,229.97	(42,544.97)
Surplus/(Deficit)	24,459.00	13,808.74	20,069.72	343,975.00	340,011.92	81,126.86

(5 PROBATION SERVICES)

Trading Revenue	-	-	-	-	-	-
Crown Revenue	13,111.00	14,328.73	1,217.73	170,446.00	180,286.19	9,840.19
Total Revenue	13,111.00	14,328.73	1,217.73	170,446.00	180,286.19	9,840.19
Depreciation	1,123.00	393.37	729.63	13,410.00	13,410.00	-
Expenditure	2,400.00	7,636.52	(5,236.52)	34,310.00	42,455.81	(8,145.81)
Surplus/(Deficit)	9,588.00	6,298.84	5,724.62	122,726.00	124,420.38	17,986.00

(6 CORPORATE & ICT SERVICES)

Trading Revenue	-	-	-	-	-	-
Crown Revenue	12,464.00	13,154.48	690.48	162,037.00	171,336.84	9,299.84
Total Revenue	12,464.00	13,154.48	690.48	162,037.00	171,336.84	9,299.84
Depreciation	1,492.00	3,002.05	(1,510.05)	17,860.00	17,860.00	-
Expenditure	220.00	9,460.19	(9,240.19)	42,160.00	41,030.66	1,129.34
Surplus/(Deficit)	10,752.00	692.24	11,440.72	102,017.00	112,446.18	8,170.50

RECEIPTS ON BEHALF OF THE CROWN (ROBOCs)

Fines	3,300.00	8,415.00	5,115.00	40,000.00	76,370.00	36,370.00
Fines-Outstanding	-	-	-	-	34,465.00	34,465.00
TOTAL ROBOCs	3,300.00	8,415.00	5,115.00	40,000.00	110,835.00	70,835.00

**PAYMENTS ON BEHALF OF THE CROWN
(POBOCs)**

Legal Aid	3,000.00		3,000.00	40,000.00	11,463.50	28,536.50
Judges Salaries	10,000.00	15,330.02	(5,330.02)	177,000.00	120,696.67	56,303.33
TOTAL POBOCs	13,000.00	15,330.02	2,330.02	217,000.00	132,160.17	(84,839.83)