



TE TANGO TUTARA O TE TURE

(MINISTRY OF JUSTICE)



ANNUAL REPORT

2013-2014 FINANCIAL YEAR

Contents

FROM THE SECRETARY:.....	4
I. INTRODUCTION:.....	6
II. VISION AND MISSION.....	6
III. VALUES.....	7
IV. OBJECTIVES.....	7
V. THE DIVISIONS:.....	7
I: COURTS AND TRIBUNALS.....	8
(a) Courts:.....	8
(i) Criminal Division.....	13
(ii) Civil Division.....	19
(iii) Land Division.....	24
(iv) Children’s Court.....	30
(v) Coroners Court.....	31
(b) Tribunals.....	32
(i) Leases Approval Tribunal.....	32
(ii) Land Agent Registration Board.....	33
II LAND INFORMATION:.....	33
(i) Land Titles.....	33
(ii) Land Trust.....	38
(iii) Survey.....	39
III: REGISTRY.....	40
(a) Birth, Death and Marriages Registers:.....	40
(b) Companies and Incorporated Societies Registers:.....	45
(c) Electoral Rolls Unit.....	47
IV: PRISON SERVICE.....	48
(a) Security Unit.....	48
(b) Support Services Unit.....	50
(c) Administration Unit.....	52
V: PROBATION SERVICES.....	52
(a) Monitoring and Compliance.....	53
(b) Court Assistance.....	55
VI: CORPORATE SERVICES.....	56
(a) IT Unit.....	56

(b) Finance Unit 56
VIII: CONCLUDING REMARKS: 59

FROM THE SECRETARY:

This Annual Report outlines the performance of Te Tango Tutara o te Ture, commonly known as the Ministry of Justice (“the Ministry”) for the financial year 2013-14.

This is the second time that the Ministry has prepared and submitted a report and the first time was in the last financial year. It is my hope that this report will be tabled into Parliament who provides the funds for the Ministry.

Despite the lack of human and financial resources, the Ministry has, in my view, performed well in providing essential services to the people of the Cook Islands.

It has increased the number of criminal sittings, in the reporting period, to meet the demands for court sitting in the Criminal Division of the High Court of the Cook Islands. Further, it convene a special sitting of the Civil Division of the High Court to hear a constitutional challenge to the constitutionality of the Superannuation Scheme established by the Cook Islands National Superannuation Fund Act 2000

The Ministry is grateful to the Judiciary, headed by His Honour Chief Justice Thomas Crowley Weston QC, for their commitment and dedication to delivering an effective and efficient justice system and upholding rule of law and any legal principles necessary in a democratic society. As part time judges, they have continued to provide their services for less than the price they would have earned in New Zealand.

The Ministry is also grateful to the local arm of the Judiciary, the local Justices of the Peace, for their continued dedication and commitments to upholding the rule of law and legal principles despite the restraint on financial reward. They continued to perform a vital function within the Cook Islands.

As it is in the past, the Pacific Judicial Development Plan (PJDP) has continued to provide support to the Ministry over the reporting period. This has been in the form of training and attachments for members of the Judiciary and court staff of the Ministry. Their continued support for the Ministry is testament to their commitment to improve the delivery of justice within the Pacific Region and ensuring that the rule of law and legal principles are upheld in all Pacific countries.

In the reporting period, the Ministry has completed updating 11 of the Register of Land Titles onto the Electronic Register of Land Titles (“ERLT”), through cross-checking the entries on the ERLT with that in the Register of Land Titles. This task is necessary as there were mistakes and omissions detected on the ERLT after its inception; correcting and updating the ERLT by cross-checking with the Register of Land Titles are a necessity. There are still 23 Register of Land Titles yet to be cross checked with the ERLT. The Ministry will continue to correct the mistakes and omissions on the ERLT to ensure that the people have confidence in the ERLT.

The Ministry has also, in the reporting period, completed scanning the Births, Deaths and Marriages Registers of the Cook Islands, thereby saving the personal information of many Cook Islanders before they are lost forever as a result of neglect, wear and tear. New Births, Deaths and Marriages Registers for the Outer Islands are now being printed for transmission to the Outer Islands. The

scanning of the Births, Deaths, and Marriages Registers is necessary to preserve these important personal informations; any delay in doing so would have resulted in the loss of these informations.

The Ministry has improved its trading revenue, to counter the high costs of running its operations. The increased in trading revenue, clearly off set the overspending in the operations budget together with savings in the personnel budget. Despite saving in its POBOC vote item, these appear to have not been taken into consideration when reviewing the financial performance of the Ministry. It is my view that these saving should form part of the overall financial position of the Ministry.

Despite these achievements, the Ministry is concern at the number of staffs leaving the Ministry either for other entities in the Cook Islands or overseas for an all too familiar reason that they cannot meet their financial commitment on current salaries. I have raised this in the last report and again in this report.

The difference in the salary for the Head of Ministry and the next senior staff highlights the differences in the methodology used to assess the remuneration packages for employees in the public service. It appears that HOM's salaries are being reviewed on current market rate while that of staff within the Public Service are based on a 2009 Cabinet approved remuneration template. As a result the differences between the HOM's salary and that of the nest senior staff is sufficient to employ two more junior staff within the Ministry, surely this can't be right and allowed to continue. There is a serious need to review the remuneration template for the public service and bring it up to date with market rates; otherwise we will continue to see the migration of Cook Islanders as they could not afford the costs of living in the Cook Islands.

At the time of completing this report the Ministry has embarked on its first "skype" court in order to expedite the resolutions of petitions filed following the General Elections. There is potential in this kind of service to enable the delivery of justice for the Outer Islands particularly in land matters. The Ministry will explore the costs of installation of "skype" facilities in the outer islands.

Apart from the matters raised in the above paragraphs, I am grateful to the staff of the Ministry for their continued commitment and dedication to serving the people of the Cook Islands. I know that they will continue to serve the people of the Cook Islands with a smile in the years to come.



Tingika Elikana
Secretary of Justice.

I. INTRODUCTION:

1. The Separation of Powers principle provides that the three arms of the State; Executive, Parliament and Judiciary, be independent and separate of each other. Through this independence and separation, each arm is in a position to monitor and provide a check and balance on the exercise of functions by the other arms of the State. The Executive arm is responsible for the development and implementation of government policies, while the Parliament is responsible for making laws; the Judiciary is responsible for the interpretation and application of those laws.
2. Te Tango Tutara o te Ture, better known as the Ministry of Justice (“the Ministry”), is a government ministry that occupies a unique position within the structure of the Government of the Cook Islands. Its functions and responsibilities cut across both the Executive and Judiciary arms of government.
3. In the performance of its Executive functions and responsibilities, its endeavours to administer and deliver an effective and efficient;
 - a. Court and tribunal system,
 - b. Registry system,
 - c. Land information and land trust system,
 - d. Prison Service
 - e. Probation Service
4. In the performance of its Judiciary functions and responsibilities; its endeavours to maintain the independence of the Judiciary and also enhance respect for the principles of natural justice and the rule of law.
5. The Ministry is headed by a Minister of the Crown appointed by the Prime Minister in accordance with Article 13 of the Constitution. The Secretary of Justice, who is appointed by the Public Service Commissioner in accordance with section 14 of the Public Service Act 2009, is the administrative head of the Ministry. The Ministry had offices in the outer islands, managed by Deputy Registrars, who assume responsibilities for all the Ministry functions.

II. VISION AND MISSION

6. The Vision for the Ministry is:

“For a **safe, secure, just** and **fair** society with a **trusted** land management and information and register systems”
7. The Mission for the Ministry is:

“To provide accurate, proficient and effective customer services through administering just and equal laws that continue to promote a safe, secure, stable and fair society, holding persons accountable for their actions, and to

provide a more reliable, accessible and sustainable land information and administration system, working towards an electronic environment”

8. Both the Vision and Mission of the Ministry is reflective of the National Vision and strategies.

III. VALUES

9. The Ministry prides itself on the following values, known as RISE:
- (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

IV. OBJECTIVES

10. The Objective for the Ministry in the reporting period are:
- a. Hold Offenders accountable
 - b. Reduce the incidence of crime and its impact
 - c. Provide an accessible, trusted, and respected judicial system
 - d. Provide an accurate, trusted and sustainable land information system
 - e. Provide an accurate, trusted and sustainable Registry and Electoral Roll.

V. THE DIVISIONS:

11. The Ministry is divided into 6 Divisions, in accordance with its outputs. The Divisions are further divided into Units to reflect the work performed within each Division.

12. The Divisions are; Court and Tribunals, Registry, Land Information, Prison Services, Probation Services and Corporate Services.

I: COURTS AND TRIBUNALS

13. The Courts and Tribunals Division is primarily responsible for the administration of the Courts and Tribunals. It is headed by the Registrar of the High Court, who is supported by the Deputy Registrar of the Criminal and Civil Division, and the Deputy Registrar of the Land Court Division.

(a) Courts:

14. The Cook Islands Court system is as follows:
- (i) **Privy Council** – This is the final court of appeal for the Cook Islands. It is situated in London and presided by Law Lords. Appeal to the Privy Council is rare, due to costs involved. No case was referred to the Privy Council in the reporting period.
- (ii) **Court of Appeal** – This is the first court of appeal for the Cook Islands. It is established in accordance with Article 56(1) of the Constitution of the Cook Islands (“the Constitution”). It holds two sessions in each calendar year, one in June and one in November. These sessions are held in Rarotonga and presided by Court of Appeal Judges appointed in accordance with Article 56 of the Constitution. The President of the Court of Appeal until 18 November 2013 was Sir Ian Barker Kt, QC. The Honourable David Williams QC took over as President of the Court of Appeal from 19 November 2013. In the reporting period, the Court of Appeal had two sessions;

(a) 18-22 Nov 2013 5 days. Hon. Sir Ian Barker Kt, QC
 Hon. David Williams QC,
 Hon. Barry Patterson CNZM, OBE, QC

(b) 9 – 13 Jun 2014 5 days Hon. David Williams QC
 Hon. Sir Ian Barker Kt, QC
 Hon. Barry Patterson CNZM, OBE, QC

The last session of the Court of Appeal in the reporting period heard the appeal by the Crown against the decision of the High Court in regards the Cook Islands Superannuation Scheme. That decision is pending at the time of publication of this report.

The following table set out the number of cases filed and heard by the Court of Appeal in the reporting period:

CA	Date Filed	Appellant	Respondent	Subject	Date of Hearing	Decision	Presiding Judges
5/13	10/06/13	Taraare Mataiapo & Ors	Makea Arera T. T. Vakatini & Ors	Land - Pokoinu	18-22/11/13	Order setting aside the judgment of Savage J and remitting matter to him for rehearing and redetermination	Williams P Barker JA Patterson JA
6/13	18/06/13	Makea Davida & Or	Makea Arera T. T. Vakatini & Ors	Land-Pokoinu	18-22/11/13	Order setting aside the judgment of Savage J and remitting matter	Williams P Barker JA Patterson JA

						to him for rehearing and redetermination	
7/13	18/06/13	Makea Arera T.T Vakatini & Or	Tupa & Ors	Land - Pokoinu	18-22/11/13	Order setting aside the judgment of Savage J and remitting matter to him for rehearing and redetermination	Williams P Barker JA Patterson JA
8/13	23/08/13	Apex Agencies Ltd & Ors	CITC Ltd	Civil		Leave yet to be considered	
9/13	01/10/13	Mark Franklin	Crown	Criminal – against sentence	22/11/13	Appeal allowed. Sentence reduced from 12 months to 9 months imprisonment	Williams P Barker JA Patterson JA
10/13	01.10.13	Mere King	Crown	Criminal – against sentence	22/11/13	Appeal allowed. Sentence reduced from 7 months to 5 months	Williams P Barker JA Patterson JA
11/13	04/10/13	Mele Merapi Taripo	Crown	Land		Leave to appeal yet to be considered	
12/13	08/10/13	Akaiti Ei Tiare & Ors	Ngatuakana John Varu	Land		Leave to appeal yet to be considered	
13/13	11/10/13	Tamaiva Tuavera	Kiriau Turepu	Title – Manavaro a Mataiapo	27/02/14	The purported appeal is struck out	Williams P
1/14	10/01/14	The Crown	Leroy Robinson	Criminal – against sentence	09/06/14	Leave to discontinue granted	Williams P Barker JA Patterson JA
2/14	20/02/14	Stanley Adam Hunt & Or	Ellena Tavioni & Ors	Title – Makea Nui Ariki		Leave to appeal yet to be considered	
3/14	21/02/14	Meremara ea Tinirau Macquarie	Ellena Tavioni & Ors	Title – Makea Nui Ariki		Leave to appeal yet to be considered	
4/14	26/02/14	Minister of National Superannuation Fund	Arorangi Timberland Ltd & Ors	Civil	09-13/06/14	Decision reserved	Williams P Barker JA Patterson JA
5/14	24/02/14	Minister of National Superannuation Fund	Arorangi Timberland Ltd & Ors	Cross appeal	09-13/06/14	Decision reserved	Williams P Barker JA Patterson JA
6/14	06/08/14	The Crown	George Taoro Brown	Criminal – against discharge without conviction		Leave to appeal yet to be considered	

It is clear that the 18-22 November 2014 session of the Court of Appeal was primarily taken up by the Makea Nui Title matter, together with a couple of criminal appeals against sentence. This is similar to the 9-13 June 2014 session, where the court time was primarily taken by the Superannuation appeal and cross-appeals.

There are some outstanding appeal matters awaiting leave to appeal to be considered. These will be dealt with by the Court of Appeal in due course.

- (iii) **High Court of the Cook Islands** – The High Court of the Cook Islands is established in accordance with Article 47 of the Constitution. The High Court is divided into three divisions, Criminal, Civil and Land. It is presided over by Judges appointed in accordance with Article 49(3) and Article 52 of the Constitution and also Justices of the Peace, appointed in accordance with Article 62 of the Constitution. It is the practice to convene the High Court sitting in its criminal and civil jurisdiction five times each financial year for two week sessions. Criminal matters are heard in the first week and civil matters are heard in second week. This is a total of 10 weeks in each financial year.

It is also the practice to convene the High Court, sitting in its Land jurisdiction, twice each financial year for two week sessions. Depending on the number of applications before the Court in each session, the Court may travel to Aitutaki, or any other outer island where the Court has jurisdiction to deal with land matters. This normally occurs in the first week of the session. This is a total of 4 weeks in each financial year. Article 48 of the Constitution set out the jurisdiction of the Land Division of the High Court and paragraph (3) of that Article provides; *“ Notwithstanding anything in this Part or in Part IV A, and in recognition of the customs and traditions of people of those islands, the Land Division shall not exercise any jurisdiction or power in relation to land or chiefly titles in any of the Islands of Mangaia, Mitiaro and Pukapuka, and such other islands as may be prescribed by Act, provided that no such Act shall be introduced to Parliament except with the consent of the Aronga Mana of the island to which it relates”*.

In the reporting period the High Court presided over by a Judge of the High Court was convened as follows:

(a)	12-26 Jul 2013	10days	Justice Hugh Williams QC	Criminal/Civil
(b)	19-30 Aug2013	10days	Justice Colin Doherty	Criminal (Ops Eagle)
(c)	2-6 Sept2013	5 days	Justice Wilson Isaac	Land (Makea Title)
(d)	9- 20 Sept 2013	10 days	Chief Justice Tom Weston QC	Criminal/Civil
(e)	30Sep – 11 Oct 2013	10days	Justice Patrick Savage	Land
(f)	22 – 29 Nov 2013	5 days	Chief Justice Tom Weston QC	Civil(National Super)
(g)	25Nov – 6 Dec 2013	10 days	Justice Christine Grice	Criminal/Civil
(h)	10-21Mar 2014	10 days	Justice Hugh Williams	Criminal/Civil
(i)	7-9 Apr 2014	3 days	Justice Hugh Williams	Civil(Murienua Petition)
(j)	28 Apr- 9 May 2014	10 days	Justice Wilson Isaac	Land
(k)	19-30 May 2014	10 days	Justice Judith Potter	Criminal/Civil

The highlighted sittings are additional sittings and not part of the normal court calendar. Due to demand and the importance of matters before the Court, it was deemed necessary to convene these special sittings.

- (iv) **Children’s Court** – The Children’s Court is established in accordance with section 19 of the Prevention of Juvenile Crime Act 1968. The Children’s Court is also a division of the High Court of the Cook Islands. It is presided over by Judges and Justices of the Peace specifically appointed to preside in the Children’s Court in accordance with section 20 of the Prevention of Juvenile Crime 1968.
15. All the Judges that preside both in the Court of Appeal and the High Court of the Cook Islands are either, former or current members of the New Zealand judiciary or practicing barristers in New Zealand. The following are the Judges that are serving the Cook Islands:
- (a) Court of Appeal**
- The Hon Justice David Williams QC – President of the Court of Appeal
The Hon Justice Sir Ian Barker KT, QC
The Right Hon Justice Sir Kenneth Keith KBE, QC
The Hon Justice Robert Fisher QC
The Hon Justice Barry Patterson CNZM, OBE, QC
- (b) High Court:**
- The Hon Chief Justice Thomas Crowley Weston QC
The Hon Justice Christine Grice (Criminal & Civil Division)
The Hon Justice Sir Hugh Williams KNZM, QC (Criminal & Civil Division)
The Hon Justice Colin Doherty (Criminal & Civil Division)
The Hon Justice Dame Judith Potter DNZM (Criminal & Civil Division)
The Hon Justice Patrick Savage (Land Division)
The Hon Justice Wilson Isaac (Land Division)
16. Judges of the High Court are eligible to sit on any appeal in the Court of Appeal, except where decision under appeal is that of the same judge.
17. All Justices of the Peace are residents of the Cook Islands.
18. The Ministry is responsible for the administration and the provision of support to the Judiciary but does not direct or advise the Judiciary on how to carry out their functions. That is the role of the Chief Justice who is the head of the Judiciary in the Cook Islands.
19. The Chief Justice as head of the Judiciary acts independently of the Secretary of Justice who is responsible for the Ministry. It is an important principle of any democratic society for the judiciary to be independent in accordance with the separation of powers principle.
20. The Ministry is thankful to our Judges, both the Court of Appeal and High Court, for their commitment and dedication to the important role they play in our society in maintaining the independence of the judiciary and enhancing respect for the rule of law and the principles of natural justice. Despite the fact that they operate on a part time basis, and the demand on their time has been enormous, their commitment and dedication is commendable, in ensuring that the Cook Islands have an independent, effective judicial system.

21. The Ministry is also thankful to the commitment and dedication of the local arm of our judiciary, namely our Justices of the Peace. Their commitment and dedication to the task before them, in some way ease off the burden on our judicial system.
22. A judicial system can only be effective and efficient through training and exchange of ideas between like minded people. In that regard, the Ministry is grateful to the Pacific Judicial Development Programme (PJDP) for its continue support and assistance in providing ongoing training and up skilling of Justices of Peace and court staff. The workshops and seminars attended by Judges, Justices and court staff have enable the judiciary and court staff to learn and share experiences with their counterparts in the Pacific. In the reporting the period the PJDP has provided the following:

DATE	PJDP ACTIVITY	PARTICIPANTS
20-22 October 2013 Brisbane Australia	5 th National Coordinator's Leadership Workshop	JP Tangi Taoro
23-25 October 2013 Brisbane Australia	5 th Chief Justices' Leadership Workshop	Chief Justice Tom Weston
25-29 November 2013 Koror Palau	Advanced Curriculum Development and Programme Management Workshop	JP Kenning Claudine Henry-Anguna
10-12 February 2014 Port Vila Vanuatu	Regional Decision Writing Workshop – Legally Trained Judicial & Court Officers Workshop	Nooapii Tearea
10-13 February 2014 Rarotonga Cook Islands	Cook Islands Domestic Violence and Youth Justice Workshop	In-country workshop. Judicial, Court Officers and various stakeholders
3-7 March 2014 Auckland New Zealand	Mentoring Programme for Judicial/Court Officers Manukau District Court	Nooapii Tearea
6-8 March 2014 Auckland New Zealand	6 th Chief Justices' Leadership Workshop	Chief Justice Tom Weston
13-15 March 2014 Auckland New Zealand	8 th Programme Executive Committee meeting	JP Kenning
31 March – 4 April	Mentoring Programme for	JP Mata Nooroa

2014 Auckland New Zealand	Judicial/Court Officers Manukau District Court	JP Taepae Tuteru
28 April – 9 May 2014 Auckland New Zealand	Mentoring Programme for Judicial/Court Officers Manukau District Court	Kautai Ruaporo
26-28 May 2014 Rarotonga Cook Islands	National Judicial Development Committee - Professional Development Toolkit	In-country workshop Judicial & Court officers

23. The mentoring program with the Manukau District Court has enabled both Justices of the Peace and court officers to gain insight into the workings of the New Zealand Youth Court and Pasifika Court. The latter is being evaluated for replication in the Cook Islands.

(i) Criminal Division

24. The Criminal Division of the High Court is, beside the Registrar of the High Court, staffed by a Deputy Registrar and two other staffs. Their main function is to assist the Criminal Division becomes effective and efficient in providing services to users, lawyers, accused, witnesses and other users of the court.
25. The process in the Criminal Division is normally started by the laying or filing of an information/charge by the prosecution entity. This is normally the Police.
26. In this reporting period, the number of information/charges filed with the Criminal Division of the High Court, compared with the previous reporting period is recorded as follows:

Reporting Period	Number of information filed per month in Criminal Division of the High Court												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012-2013	51	135	44	42	46	70	31	42	48	42	72	52	675
2013-2014	69	53	112	82	40	39	25	48	40	57	86	48	699
Difference	-18	82	-68	-40	6	31	6	-6	8	-15	-14	4	-24

27. The number of informations/charges filed in this reporting period is higher than the previous reporting period. There are 24 more informations/charges filed than in the previous reporting period.
28. In regards the total number of informations/charges heard by the Court in each month, the following is recorded in the following table. A comparison with the previous reporting period is also provided:

Reporting Period	Total Number of information heard in the Criminal Division of the High Court each month												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012-13	51	135	44	42	46	70	31	42	48	42	72	52	675
Current	51	135	44	42	46	70	31	42	48	42	72	52	675

Previous	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
2013-14													
Current	69	53	112	82	40	39	25	48	40	57	86	48	699
Previous	68	66	78	88	63	39	73	63	86	73	81	56	834
Total	137	119	190	170	103	78	98	111	126	130	167	104	1533

29. The above table looks at the current informations/charges for each month and include those from previous months.
30. The increases in the number of informations/charges for the month of September 2013, which is 112, is as a result of the Ministry convening a court session to deal with minor breaches of the Transport Act 1966. This is also the same in May 2014.
31. The following table set out how informations/charges were dealt with by the Court. Both in regards informations/charges for the reported month and those from previous months.

How matters are dealt with by the Court										
	Total	Adjourned	Withdrawn	Dismissed	Section 113	Discharge without Conviction	Convicted and Discharge	Fined	Probation	Custody
Jul										
Current	69	49	1	1	-	1	0	13	4	-
Previous	68	54	1	-	-	1	-	8	-	4
Aug										
Current	53	22	3	-	1	-	-	25	2	-
Previous	66	33	1	-	2	-	-	8	8	14
Sep										
Current	112	34	4	8	3	-	-	57	-	6
Previous	78	44	-	1	-	-	-	8	3	22
Oct										
Current	82	39	15	-	-	1	-	26	1	-
Previous	88	65	9	-	6	-	-	3	4	1
Nov										
Current	40	28	2	-	-	-	-	7	2	1
Previous	63	44	4	2	1	-	1	2	2	7
Dec										
Current	39	32	2	1	1	-	-	2	-	1
Previous	39	19	-	-	3	-	-	3	12	2
Jan										
Current	25	12	3	-	1	-	-	8	-	1
Previous	73	63	2	-	2	3	-	2	1	-
Feb										
Current	48	35	-	-	-	-	2	11	-	-
Previous	63	43	2	-	-	-	1	6	9	2
Mar										
Current	40	23	10	-	1	1	-	5	-	-
Previous	86	67	8	-	1	-	-	3	7	-
Apr										
Current	57	39	4	-	1	-	-	9	4	-
Previous	73	48	12	-	-	-	-	7	6	-
May										
Current	86	74	5	-	-	-	-	5	2	-
Previous	81	61	3	-	5	-	-	1	11	-
Jun										

Current	48	28	-	-	1	-	-	16	1	2
Previous	56	53	-	-	1	-	-	-	2	-
Total	1,533	1,009	91	13	30	7	4	234	82	63

32. It is clear that of the 1,533 information/charges brought before the Court, 1,009 were adjourned and 524 disposed off either by withdrawal or penalty. The disposal rate is a concern in terms of case management. This represents a disposal rate of 34%.
33. In terms of the reporting period, 699 information/charges are filed with the Court, of that 230 is still outstanding, representing a clearance rate of 69%. This needs to improve, particularly were cases of 12 months old duration have not been disposed off by the Court.
34. The majority of penalties imposed by the Court are fines at 15%, probation at 5% and custody at 4% in the reporting period.
35. The number of withdrawal and dismissal of informations/charges after filing is 6% of the total informations/charges dealt with by the Court.
36. The high number of adjournment ordered by the Court is a concern to the Ministry as it contributes towards a backlog of criminal cases. One of the reasons given for adjourning cases were to allow the person appearing before the Court the opportunity to seek legal advice or assistance. The other is the lack of disclosure by the Police. Despite several discussions with the Police, the matter is still not being satisfactorily addressed.
37. Another contributing factor to the lower disposal rate is the number of adjournments involved in individual cases. In the future the Ministry will provide data of the number of times cases are adjourned and the length of time a case has been inside the system before disposal.
38. The Ministry manages the legal aid scheme designed to provide financial assistance to people appearing in the court for criminal charges. In the reporting period the number of people seeking assistance from the scheme is minimal. This may be due to a lack of awareness of the existence of the legal scheme. The Ministry will undertake an awareness program in the next reporting period to ensure that the public are aware of the existence of the scheme and its purpose. This failure to seek assistance from the scheme contributes to the large amount of adjournment sought in the Courts. This in some way contributes to the backlog of criminal cases within the Court.
39. At the end of the reporting period the number of Jury Trials outstanding was eighteen (18), with the assistance of a Judge of the High Court, three of these have change their pleas to guilty and have been dealt with by the Court, 12 have been set for trial in the new reporting period, of the 12 one is for a retrial, and 3 are referred for a call over in the next reporting period.
40. As in the previous reporting period and this reporting period, the Ministry is experiencing difficulty in selecting a pool of jurors due to a diminishing population and statutory provisions

excluding women from jury service. The Ministry proposed for the replacement of the jury system with an assessors system, where assessors, normally two people, sits and assist the Judge in serious criminal cases.

41. There are also a number of outstanding criminal cases from previous reporting periods, these cases go back to the 2005 reporting period but were not addressed until now. The total number of cases at the start of this reporting period was 70. At the end of this reporting period the total number of old outstanding criminal cases is reduced to 14. It is envisaged that these old outstanding criminal cases will be further reduced or eliminated before the end of the next reporting period.
42. The majority of these old outstanding criminal cases relates to cases where the offender has already left the Cook Islands and is living overseas. Some relates to where warrant of arrest where issued and executed but the warrant were not returned to the court for entry as executed in the court system.
43. This problem of old outstanding criminal cases is made worse by a reluctance by prosecuting agencies to withdraw informations/charges when the offender has left the Cook Islands and key witnesses could not be located as they have already left the Cook Islands. Further the majority of these old criminal cases relates to process issues and should be withdrawn.
44. The following table set out the number of people that appears before the Court in each month as a result of an information/charge filed against that person. The table also set out the gender of each person and whether it is a first appearance or has previously appeared in court.

Number of persons that appeared before the Court each month													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Number of Persons	45	43	70	66	26	29	26	40	30	47	35	37	494
Male	40	39	61	47	24	25	21	34	26	42	31	36	426
Female	5	4	9	19	2	4	5	6	4	5	4	1	68
Previously Appeared	28	21	28	21	19	19	14	39	18	22	24	18	271
First Appearance	17	22	42	45	7	10	12	1	12	25	11	19	223

45. It is clear from the above table that the number of persons appearing in the Court for the first time is very high. This equates to 45% of the total number of persons appearing in court in the reporting period.
46. The number of males appearing in court outnumbered females by a ratio of 6:1 (6males to 1 female).
47. The following table records the places of residence of those that have appeared in the court at the time of filing the informations/charges in the reporting period.

Reporting Period	Place of Residence at time of filing information in the Criminal Division of the High Court												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total

Te Au o Tonga	21	16	36	27	10	12	11	14	10	23	15	19	214
Puaikura	13	14	17	18	4	11	7	15	9	7	10	9	134
Takitumu	10	10	17	21	12	6	6	10	8	17	6	8	131
Aitutaki	1	1	-	-	-	-	1	-	1	-	3	1	8
Atiu	-	1	-	-	-	-	-	1	-	-	-	-	2
Mauke	-	-	-	-	-	-	1	-	-	-	-	-	1
Mitiaro	-	-	-	-	-	-	-	-	2	-	1	-	3
Visitor	-	1	-	-	-	-	-	-	-	-	-	-	1
Total	45	43	70	66	26	29	26	40	30	47	35	37	494

48. It is clear from the above table that the majority of person appearing in the court comes from the Vaka (District) of Te Au o Tonga, followed by Puaikura and than Takitumu. There are cases from the Outer Islands that have been determined in Rarotonga and these have appeared in the table.
49. It is interesting to note that only one visitor was brought before the court in the reporting period.
50. The following table set out the age group of people appearing before the Court.

Age of persons appearing before the Court													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
16-20	8	5	33	16	9	12	8	12	4	15	10	10	142
Male	7	4	29	13	8	12	6	11	4	13	10	10	127
Female	1	1	4	3	1	-	2	1	-	2	-	-	15
21-30	19	12	19	26	10	9	9	14	14	20	11	14	177
Male	18	11	14	18	9	6	8	12	11	18	9	13	147
Female	1	1	5	8	1	3	1	2	3	2	2	1	30
31-40	9	13	11	13	4	3	3	4	5	6	5	5	81
Male	9	11	11	7	4	2	2	3	5	6	5	5	70
Female	-	2	-	6	-	1	1	1	-	-	-	-	11
41-50	9	13	7	6	1	4	6	4	5	2	3	5	65
Male	6	13	7	5	1	4	5	4	4	2	3	5	59
Female	3	-	-	1	-	-	1	-	1	-	-	-	6
51 >	-	-	-	5	2	1	-	6	2	4	6	3	19
Male	-	-	-	4	2	1	-	5	2	3	4	3	14
Female	-	-	-	1	-	-	-	1	-	1	2	-	5

51. It is clear from the table above that the majority of people appearing in before the court are in the 21 – 30 age group followed by the 16 – 20 age group. These two groups represent 64 % of the number of persons that have appeared before the court in the reporting period.
52. The number of persons aged between 41 and over represents 17% of the total number of persons that have appeared before the court in the reporting period. These are more matured persons and ideally should not be involved in criminal offending.
53. In the next reporting period the Ministry will attempt to provide data on the kind of specific offences committed by these matured persons.
54. The following table look at specific information/charges filed in Court in the reporting period, it also compares this reporting period to the previous reporting period.

Specific information/charge filed in the Court													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Burglary													
2012-13	9	4	4	2	2	5	5	6	3	2	2	4	48
2013-14	1	-	4	2	3	9	1	-	5	2	15	1	43
Theft													
2012-13	2	1	6	-	3	1	-	-	1	5	2	2	23
2013-14	3	1	2	1	1	5	-	1	2	4	1	4	25
Theft as a Servant													
2012-13	3	2	-	2	-	-	-	-	4	-	3	3	17
2013-14		6	-	1	-	-	-	-	-	-	3	-	10
Common Assault													
2012-13	2	2	1	2	4	5	3	2	-	1	1	-	23
2013-14	4	2	1	2	2	1	4	6	3	-	2	2	29
Assault on Female													
2012-13	3	2	1	4	10	3	2	4	8	4	5	-	46
2013-14	2	5	1	4	3	9	2	10	2	1	5	2	46
Cultivation Cannabis													
2012-13	-	-	1	-	2	1	-	-	-	-	-	-	4
2013-14	-	-	-	-	-	1	-	-	-	-	-	-	1
Possession/Use of Cannabis													
2012-13	1	1	2	-	-	2	-	2	1	2	2	-	13
2013-14	1	-	1	1	1	-	-	-	-	-	-	-	4
Excess Breath/Blood Alcohol (EBA)													
2012-13	7	9	10	9	8	16	4	9	12	9	15	7	115
2013-14	8	22	14	1	4	-	3	6	1	1	7	11	78
Careless Driving													
2012-13	2	2	-	2	1	3	-	-	1	1	1	-	13
2013-14	3	2	-	2	2	-	1	4	4	3	3	2	26
Driving While Disqualified													
2012-13	1	2	2	-	3	4	1	2	1	-	2	2	20
2013-14	3	4	1	1	2	-	2	1	1	1	4	3	23

55. It is noted that there is a minor drop in the number of burglary informations/charges filed with the criminal division in this reporting period. There is also a slight increase in the number of theft informations/charges in the reporting period.
56. There is still concern for the number of violence related offences particularly with common assault and assault on female. The number of assault on female informations/charges is the same as the last reporting period – this has to come down. This makes up 6.5% of the total of informations file in the Criminal Division of the High Court.
57. On a positive note, there is a drop in the number of drug related informations/charges filed in the reporting period. It is envisaged that this will continue to the next reporting period.

58. In future reports, the Ministry will focus on specific offences and will show the type of penalty imposed by the Courts. This will be in conjunction with the Police in order to identify offending trends in the Cook Islands.
59. As part of its functions, the Criminal Division of the High Court is also responsible for the collection of fines and court costs imposed by the Court. The following table show the amount of fines imposed by the Court and the amount of fines collected.

Amount of fines imposed by the Court and collected by the Ministry													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Fines Imposed	3770	10290	7440	1850	2650	1230	1370	1570	2220	980	1730	7370	42470
Costs Imposed	690	1170	1950	1380	390	660	600	420	480	690	240	870	9540
Total	4460	11460	9,390	3230	3040	1890	1970	1990	2700	1670	1970	8240	52010
Fines Collected	3770	9670	7390	1850	2600	960	1290	1540	1690	820	860	4040	36928
Costs Collected	690	1140	1920	1110	360	660	450	360	420	480	210	420	8250
Total	4460	10810	9310	2960	2960	1620	1740	1900	2110	1300	1070	4460	45178

60. With the exception of court costs, all fines collected are passed on to the Ministry of Finance and Economic Management as part of ROBOC. The court costs are retained by the Ministry as part of its trading revenue.
61. In the previous reporting period, the total amount (fines and costs) imposed by the Court was \$85,750.00 and the total amount collected was \$50,205.00. This represents a 58% success rate in the collection of the total fines and costs. In this reporting period, the total amount imposed was \$52,010.00 and the total amount collected was \$45,178.00. This represents an 86% success rate.
62. The success in collection of fines and court costs is due to the commitment and dedication of the staff of the Criminal Division and their superiors.
63. The Criminal Division is also responsible for the collection and management of the collection of compensation and reparation ordered by the Courts. The Ministry will publish details on this matter in the next reporting period.

(ii) Civil Division

64. The Civil Division of the High Court is staffed by the same staffs that work in the Criminal Division of the High Court.
65. The Civil Division is primarily responsible for assisting parties to private litigation through the High Court. Set out below is some of the civil actions recorded in the reporting period;

Type of action	Number of civil action filed with the Civil Division of the High Court												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plaint	2	2	-	-	4	1	4	3	2	-	2	1	21
Ex-parte	-	-	-	-	-	1	-	-	-	1	1	-	3

application to file, serve SOD													
Winding up	-	-	1	-	-	-	-	-	-	-	-	-	1
Admission to Practice	1	-	1	-	2	-	-	1	-	1	1	-	7
Temporary Admission	-	-	-	4	1	-	-	1	-	1	-	1	8
Company re-instatement	-	1	1	1	1	-	1	-	3	1	3	-	12
Interim injunction	-	-	-	-	1	-	-	1	-	-	-	-	2
Application for partial cancellation of charging order	-	-	-	-	-	-	-	1	-	-	-	-	1
Divorce	1	-	1	1	2	3	2	-	-	1	-	-	11
Custody of Minor	1	1	-	-	1	1	2	-	-	-	-	-	6
Ex-parte application for removal of child	-	-	-	-	-	-	1	-	1	-	-	-	2
Ex-parte application for entry of judgement	-	-	-	-	-	-	-	-	-	1	-	-	1
Non-molestation	-	2	-	1	1	1	-	1	-	-	-	-	6
Matrimonial Property	-	-	-	-	-	1	-	-	-	-	-	-	1
Judgement Summons	-	-	-	-	-	-	-	-	-	-	1	-	1
Originating Applications	-	-	-	1	-	3	-	-	-	-	1	-	5
Probate	2	-	-	-	-	-	-	1	1	-	-	1	5
Letters of Administration	1	-	1	1	2	2	-	-	6	-	-	2	15
Appeal to Court of Appeal	-	-	-	4	-	-	-	2	-	-	-	-	6
Special Leave to appear in Court of Appeal	-	-	-	2	-	-	-	-	-	-	-	-	2
Security for costs in Court of Appeal	-	-	-	1	-	-	-	-	-	-	-	-	1
Extension of time to Appeal	-	-	-	3	-	-	-	-	-	-	-	-	3
Production Order	-	-	-	1	-	-	-	-	1	-	-	-	2
JP Appeal	4	-	-	1	-	-	-	-	-	-	-	-	5
Case stated	-	-	1	-	-	-	-	-	-	-	-	-	1
Electoral	-	-	-	1	-	-	-	1	-	-	-	1	3
Garnishee Summons	-	-	-	-	-	-	-	-	-	-	1	-	1
Total	12	6	6	22	15	13	10	12	14	6	10	6	132

66. It is clear from the above table that the majority of applications filed with the Civil Division of the High Court relate to disputes between parties as set out in the number of plaintiff file in Court.
67. There are 26 family oriented actions, including divorce, matrimonial property, non-molestation and custody of child. This makes up 20% of the applications received by the Civil Division of the High Court. There are another 30 applications involving probate and Letters of Administration relating to intestate deaths.
68. The following table set out the manner these applications were dealt with by the Court:

How applications were dealt with by the Court													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Ordered	4	1	-	6	4	2	1	4	9	1	5	2	39
Withdrawn	-	-	-	-	-	-	-	-	-	-	-	-	-
Dismissed	1	1	1	-	-	-	-	-	-	-	-	-	3
Struck out	-	-	-	-	-	-	-	-	-	-	-	-	-
Declined	-	-	-	-	1	1	-	-	-	-	-	-	2
Decision Reserved	-	-	-	-	-	1	-	-	-	-	-	-	1
Adjourned	2	1	2	-	1	1	-	-	-	-	-	2	9
Discontinued	-	-	-	-	-	-	-	-	-	-	-	-	-
JP Appeal Allowed	2	-	-	-	-	-	-	-	-	-	-	-	2
Awaiting Fixture	3	3	4	8	4	8	7	6	3	4	5	1	56
Awaiting Report	-	-	-	3	-	-	-	-	-	-	-	-	3
Awaiting proof of service	-	-	-	1	-	-	-	-	-	-	-	-	1
Service yet to be effected	-	-	-	-	1	-	-	-	-	-	-	-	1
Leave to Appeal granted	-	-	-	2	-	-	-	-	-	-	-	-	2
Awaiting Court Decision	-	-	-	2	4	-	-	-	1	-	-	1	8
Interim non-removal order made	-	-	-	-	-	-	1	-	-	-	-	-	1
Interim access order made	-	-	-	-	-	-	1	-	-	-	-	-	1
Referred to Land Division	-	-	-	-	-	-	-	1	-	-	-	-	1
Probate Resealed	-	-	-	-	-	-	-	-	1	-	-	-	1
Awaiting further report	-	-	-	-	-	-	-	-	-	1	-	-	1
TOTAL	12	6	7	22	15	13	10	11	14	6	10	6	132

69. It is clear from the above table that the number of orders made by the Court amounts to 29% of the total applications received by the Court. While this is alright, it is of concern to the Ministry that the number of cases awaiting fixtures amounts to 42% of the total application received by the Court.
70. This situation is made worse by the fact that in a Criminal and Civil session presided by a Judge; the practice has always been to have the criminal matters in the first week and the civil matters, if time permits, in the second week. Unfortunately in most instances, the criminal matters take more than one week particularly where jury trials are involved.
71. It is the intention of the Ministry in the next reporting period to increase the number of weeks for Criminal and Civil matters from the normal 10 weeks to 12 weeks annually.

72. It must be noted that the majority of these civil applications, a total of 60 applications, were dealt with by a Judge, either in person or through teleconferencing with the lawyers. These also add costs to the judicial system. Eight of the applications were dealt with by a single JP and another eight were dealt with by the Registrar of the High Court.
73. Like the Criminal Division of the High Court, the Civil Division also had to deal with cases from previous reporting periods.
74. The following table set out the number of cases from previous reporting periods dealt with in the reporting period:

Type of action	Number of civil action from previous reporting periods dealt with in the reporting period												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plaint	7	2	4	-	1	-	2	3	10	-	2	1	32
Ex-parte application to file, serve SOD	-	-	-	-	-	-	1	-	-	-	1	-	2
Winding up	-	-	-	-	-	-	-	-	-	-	-	-	-
Admission to Practice	-	-	-	-	-	-	-	-	-	-	-	-	-
Temporary Admission	-	-	-	-	3	-	-	-	-	-	-	-	3
Company re-instatement	-	-	-	-	-	1	-	-	-	1	-	-	2
Interim injunction	-	-	-	-	-	-	-	-	-	-	-	-	-
Application for partial cancellation of charging order	-	-	-	-	-	-	-	-	-	-	-	-	-
Divorce	1	1	-	-	2	2	-	1	1	-	2	-	10
Custody of Minor	-	2	-	-	-	1	-	2	-	-	1	-	6
Ex-parte application for removal of child	-	-	-	-	-	-	-	-	-	-	-	-	-
Ex-parte application for entry of judgement	-	-	-	-	-	-	-	-	-	-	1	-	1
Non-molestation	1	-	1	-	-	1	-	-	-	-	-	-	3
Adoption	-	-	-	-	-	-	-	-	1	-	-	-	1
Matrimonial Property	-	-	-	-	-	-	-	-	-	-	-	-	-
Judgement Summons	-	-	-	-	-	-	-	-	-	-	-	-	-
Originating Applications	-	-	-	-	1	-	-	-	-	-	-	-	1
Probate	-	-	-	-	-	-	-	-	-	-	-	-	-
Letters of Administration	1	-	1	-	-	-	-	-	-	-	-	-	2
Appeal to Court of Appeal	-	-	-	-	8	-	-	-	-	-	-	2	10
Special Leave to appear in Court of Appeal	-	-	-	-	-	-	-	-	-	-	-	-	-
Security for costs in Court of Appeal	-	-	-	-	-	-	-	-	-	-	-	-	-
Extension of time to Appeal	-	-	-	-	-	-	-	-	-	-	-	-	-
Production Order	-	-	-	-	-	1	-	-	-	-	1	-	2
JP Appeal	-	-	-	-	-	-	-	-	-	-	-	-	-

Case stated	-	-	-	-	-	1	-	-	-	-	-	-	1
Electoral	-	-	-	-	1	-	-	-	-	1	-	-	2
Enforce Security	-	-	-	-	-	1	-	-	-	-	-	-	1
Cancellation Charging Order	-	-	-	-	-	-	-	-	1	-	-	-	1
Declaratory Order	-	2	1	-	-	-	-	-	-	-	-	-	3
Determination of Costs	-	-	-	-	-	-	-	-	1	-	-	-	1
Garnishee Summons	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	10	7	7	0	16	8	3	6	14	2	8	3	84

75. The following table set out how these matters were dealt with by the Court:

How these previous applications were dealt with by the Court													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Ordered	4	2	2	-	4	4	-	-	9	1	6	1	33
Withdrawn	-	-	-	-	-	-	-	-	-	-	-	-	-
Dismissed	1	3	-	-	1	1	-	-	-	-	-	-	6
Struck out	-	-	-	-	-	-	-	-	-	-	-	-	-
No further action required	1	-	-	-	-	-	-	-	-	-	-	-	1
Party struck out of proceedings	1	-	-	-	-	-	-	-	-	-	-	-	1
Decision Reserved	-	-	-	-	1	-	-	-	-	-	-	2	3
Adjourned	-	-	2	-	-	1	-	-	4	1	1	-	9
Adjourned sine die	2	-	2	-	1	-	-	-	-	-	-	-	5
Adjourned to next call over	-	-	-	-	1	-	-	-	-	-	-	-	1
Discontinued	1	1	-	-	-	-	-	-	1	-	1	-	4
Findings Delivered	-	1	1	-	-	-	-	-	-	-	-	-	2
Appeal Allowed	-	-	-	-	7	-	-	-	-	-	-	-	7
Further submissions required	-	-	-	-	1	-	-	-	-	-	-	-	1
Enforcement Order to remain	-	-	-	-	-	1	-	-	-	-	-	-	1
Awaiting Fixture	-	-	-	-	-	-	3	6	-	-	-	-	9
Awaiting Report	-	-	-	-	-	-	-	-	-	-	-	-	-
Proceedings terminated	-	-	-	-	-	1	-	-	-	-	-	-	1
Total	10	7	7	-	16	8	3	6	14	2	8	3	84

76. There are still a lot of carried forward cases through adjournment and awaiting fixtures.

77. The following table shows the number of fees collected by the Civil Division of the High Court in the reporting period:

Fees collected in the reporting period													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Amount	725	285	495	1,735	1,285	775	520	1,535	480	495	590	435	9,355

78. The total number of trading revenue collected from the Criminal and Civil Division amounts to \$17,605 (\$8,250.00 (Court Costs) + \$9,355 (Court Fees)).
79. The costs of filing an action in the Civil Division of the High Court are governed by High Court Fees, Costs and Allowances Regulations 2005, which set out the applicable fees. In the reporting period there was no waiver of fees ordered by the Court. However, that will change in the future if the proposed Family Law Bill is passed in its current form. In that Bill, there is a clause for the wavering of fees in applications relating to family matters.

(iii) Land Division

80. The Land Division of the High Court is, beside the Registrar of the High Court, staffed by a Deputy Registrar and 4 other staff.
81. The Land Division of the High Court deals exclusively with land matters, including traditional titles. The primary function of this Division is to assist landowners through the Court process.
82. In the reporting period, the Land Division of the High Court held two sessions where a Judge of the High Court presided over proceedings. These were from the 30 Sept – 11 October 2013, where the first week was spent hearing land matters in Aitutaki, and the other was 28 April – 9 May 2014. A total of four weeks. There are also times where Justice of the Peace presided over the Court to hear land matters.
83. The following table set out the number of applications received for lands on Rarotonga.

<i>Rarotonga</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Total</i>
Succession	26	11	16	11	16	15	56	29	15	21	36	13	265
Occupation Right	3	13	11	4	2	8	6	18	11	4	5	6	91
Ex-parte for enforcement of security	3	6	0	1	1	11	3	1	2	5	3	1	37
Determine Ownership	0	0	1	0	0	0	0	0	0	0	2	0	3
Adoption	0	1	1	0	1	2	1	1	0	0	1	0	8
Ex-parte/Vary a Right of Way	0	0	1	0	0	0	0	0	1	0	1	0	3
Partition	0	0	1	0	0	0	2	1	3	0	1	4	12
Interim Injunction	1	0	1	1	2	2	0	1	0	2	4	1	15
Capital Value	0	0	0	0	0	0	1	7	0	1	0	0	9
Confirmation	7	2	12	7	7	3	5	13	3	3	8	10	80
Lost Document	0	2	2	0	0	1	1	0	1	3	0	0	10
Vesting Order	1	0	8	0	0	2	0	0	1	0	1	1	14
Appointment	0	0	0	0	0	0	0	0	1	0	0	0	1

of Trustee													
Cancel/Amend Occupation Right	0	4	1	0	1	0	0	0	1	0	0	0	7
Declaratory Order	1	0	4	0	3	0	1	2	1	0	2	1	15
390A Application	0	2	1	0	3	0	0	0	0	0	0	0	6
Relative Interest	0	1	2	0	0	0	0	0	1	0	1	0	5
Alienation	2	2	6	1	6	0	2	1	0	1	1	0	22
Application for Incorporation	0	0	0	0	0	0	1	0	1	0	1	0	3
Determine Market Value	1	1	3	0	0	0	0	0	1	0	0	0	6
Tribal Title	1	2	0	1	0	0	0	1	2	1	0	0	8
Application for Recovery	0	0	0	0	0	0	1	0	0	0	0	0	1
Ex-parte for substitution	0	1	1	1	1	1	0	0	1	0	0	3	9
Others	0	0	5	0	0	0	0	0	0	2	1	1	9
Total	46	48	77	27	43	45	80	75	46	43	68	41	639

84. The majority of applications received by the Land Division of the High Court for lands on Rarotonga relate to succession, occupation right and confirmation of resolution of a meeting of assembled owners.

85. The following table set out the number applications received for lands on Aitutaki.

<i>Aitutaki</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun-14</i>	<i>Total</i>
Succession	8	35	51	1	8	14	11	8	0	31	25	18	210
Occupation Right	1	7	2	3	0	0	0	3	1	0	1	0	18
Ex-parte for enforcement of Security	0	0	0	0	1	0	0	1	0	0	1	0	3
Adoption	0	0	0	0	1	0	0	0	0	0	0	0	1
Partition	0	0	1	0	0	0	0	0	0	0	0	0	1
Capital Value	0	0	1	0	0	0	0	0	0	0	0	0	1
Confirmation	1	0	1	0	0	0	0	0	0	0	0	0	2
Lost Document	1	0	0	0	0	0	0	0	1	0	0	0	2
Declaratory Order	0	0	1	0	0	0	0	0	0	0	1	0	2
Determine Market Rental	0	0	0	0	0	0	0	0	1	0	0	0	1
Tribal Title	1	0	0	0	0	0	0	0	0	0	0	0	1
Rental Arbitration	0	0	0	0	0	0	0	0	23	0	0	0	23
Others	0	0	1	1	0	0	0	0	1	0	1		4

<i>Total</i>	12	42	58	5	10	14	11	12	27	31	29	18	269
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86. The majority of applications received by the Land Division in regard to land in Aitutaki relates to succession and occupation right.

87. The following table set out the number of applications received for lands on Atiu.

<i>Atiu</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>TOTAL</i>
Succession	0	4	1	0	2	0	0	1	0	0	0	1	9
Occupation Right	0	0	1	0	0	0	0	0	0	0	0	0	1
Partition	0	0	1	0	0	0	0	0	0	0	0	0	1
Capital Value	0	0	0	0	0	0	1	0	0	0	0	0	1
Confirmation	0	0	0	0	0	0	0	1	0	2	0	0	3
<i>Total</i>	0	4	3	0	2	0	1	2	0	2	0	1	15

88. The majority of applications received by the Land Division in regard to land on Aitu are for succession orders.

89. The following table set out the number of applications receive for lands on Mauke.

<i>Mauke</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>TOTAL</i>
Succession	0	0	0	0	0	0	0	1	1	2	0	0	4
Relative interest	0	0	0	0	0	0	0	1	0	0	0	0	1
Alienation to derived	0	0	0	0	0	0	0	1	0	0	0	0	1
Capital Value	0	0	0	0	0	0	3	0	0	0	0	0	3
<i>Total</i>	0	0	0	0	0	0	3	3	1	2	0	0	9

90. The majority of applications received by the Land Division in regard to land on Mauke are for succession orders.

91. The total number of applications received by the Land Division of the High Court in relation to lands in Rarotonga, Aitutaki, Atiu and Mauke is 932.

92. The following table compares the total number of applications received in specific matters in the previous reporting period with this reporting period.

Total number of application in regard specific matters received by the Land Division of the High Court													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Succession													
2012-13	24	34	33	40	52	49	72	60	18	21	37	41	481
2013-14	34	50	68	12	26	29	67	39	16	54	61	32	488

Occupation Right													
2012-13	7	4	9	8	41	11	9	17	12	11	2	16	147
2013-14	4	20	14	7	2	8	6	22	12	4	6	5	110
Section 390A Review													
2012-13	-	1	1	2	1	2	3	-	-	-	-	-	10
2013-14	-	2	1	-	3	-	-	-	-	-	-	-	6
Partitions													
2012-13	4	-	2	1	1	-	-	1	11	1	1	-	22
2013-14	-	-	3	-	-	-	2	1	3	-	1	4	14
Confirmation of Resolutions													
2012-13	6	4	1	12	15	6	11	1	9	5	13	9	92
2013-14	8	2	13	7	7	3	5	14	3	5	8	10	85
Ex-parte application to enforce security													
2012-13	2	3	2	1	4	1	2	6	8	2	-	4	35
2013-14	3	6	-	1	2	11	3	1	2	5	3	1	38

93. It is clear from the above table that there is an increase in the number of succession applications in the reporting period compared to the previous reporting period. This is expected as “landowners” succeed to their land. Through succeeding people that have passed on, “landowners” are then entered onto the Register of Land Titles and become a legal landowner for the purposes of the Cook Islands Act 1915.
94. It is also clear that there has been a drop in the number of applications for occupation right, which is normally for building a resident for the applicant. The difficulty in raising capital and meeting financial obligations may be a factor in the drop in number of occupation right applications.
95. Of concern is the increase in the number of ex-parte application to enforce security. This normally occurs where the landowner could not meet its financial obligations to a lending entity resulting in the lending entity exercising its obligations under the lending agreement. As raised in the previous annual report for the Ministry, this is a concern as landowners are unable to meet their financial obligations to lending entities.
96. In dealing with the applications, the Land Division of the High Court record the following:

MONTH	Order	Dismissed/W ithdrawn	Adjourn	Adjourn to Chambers	Judgment	Date to be set	Submission	Reserve	Total
Jul	45		22						67
Aug	10								10
Sep	3								3
Oct	80	13	48	13	1	2	1	2	160
Nov									
Dec									

Jan	6		2						8
Feb	4	1							5
Mar	180	4	23						207
Apr	26	2	7				2	2	39
May	67	6	52				6	3	134
June	4								4
Total	425	26	154	13	1	2	9	7	637

97. As stated earlier the total number of applications received by the Land Division of the High Court in the reporting period was 932, of that 637 was dealt with by the Court as set out in the above table. The other cases are still waiting to be heard by the Court and add up to the backlog of land cases yet to be heard by the Court.
98. In addition to the backlog of land cases, there is still the issue of land matters in the Northern Group islands of Manihiki, Rakahanga and Penrhyn. As set out in the last reporting period report the number of outstanding cases on these islands are as follows:
- (a) Manihiki 73 – the earliest being filed in 1993 – these include investigation of title to land ,tribal titles and successions.
 - (b) Rakahanga 17 – the earliest being filed in 1994 – these include investigation of title to lands, tribal titles and successions.
 - (c) Penrhyn 69 – the earliest being filed in 1993 – these include investigation of titles, tribal titles and successions.
99. The government’s renewable energy on these islands requires government to acquire lands for the project from the landowners. This can only be done by having the Land Court travel to these islands and investigate land ownership issues in relation to the land.
100. In the case of the Rakahanga Solar project, the Land Division of the High Court has already placed advertisement in the Cook Islands News for landowners affected to file submissions before the matter is determined. It is not yet decided whether the hearing will take place on Rarotonga or on Rakahanga.
101. In its last report, at paragraph 45, the Ministry express the intention of sending the Land Court to the Northern Group in the 2014-15 financial year. This may change with the introduction of the ‘skype” court.
102. Beside the issue of dealing with the Northern Group land applications, the Land Division of the High Court faces another issue relating to application in accordance with section 390A of the Cook Islands Act 1915.
103. Section 390A provides for the Chief Justice to review land matters where there has been “a mistake, error, or omission whether of fact or law however arising...”. This function can only be exercised by the Chief Justice and this is in addition the various matters that the Chief Justice has to deal with, taking into account that the position of Chief Justice is part time.

104. While the number of section 390A in the reporting period has dropped, there are outstanding applications from various reporting periods dating back to the year 2007 that are yet to be dealt with.
105. Since assuming office, the current Chief Justice has received 62 applications, dating back to 200, and have to date dealt with 28 of them with 33 still outstanding.
106. With a maturing judiciary, more particularly in land matters, maybe it is time to remove section 390A and allow the normal appeal process to be the norm. Section 390A provides for another review process that could be done through the normal appeal process.
107. The other major challenge to the Land Division Unit is the availability of transcripts from the stenographers in relation to land decisions delivered by the Court. Despite the best efforts of the stenographers the amount of work is too much for two stenographers. This problem is made worse by a backlog of court decisions dating back to 2003 which have not yet been transcribed by the stenographers.
108. The Ministry have engaged other stenographers to transcribe the outstanding decisions but they too have not been able to ease the problem. This has an impact not only on the work of this Unit but also on the Land Information Division, where entries on the Register of Land Titles are dependent on the decision of the Court. Where decisions are unavailable due to delay in the transcription, it affects the work of the Register of Land Titles Unit.
109. This problem with the transcript is also made worse by a practice that has been ongoing within the Ministry to transcribe only the decision of the Court and not the transcript of the hearing except where there is an appeal against the decision. This may be okay for criminal and civil matters, but it is not so for land matters especially with the existence of section 390A of the Cook Islands Act 1915. The practice now is to transcribe all land case hearings.
110. As part of its functions the Land Division also facilitate Meeting of Assembled Owners (MOAO) in accordance with the provisions of the Land (Facilitation of Dealings) Act 1970. Any resolution from a MOAO is always subject to confirmation by the Court.
111. The table below set out the number of MOAO held in this reporting period.

Island	Number of MOAO meetings convened												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Rarotonga	6	5	11	11	10	12	10	8	16	15	18	5	127
Aitutaki	1	-	-	-	6	2	-	-	1	4	-	-	14
Atiu	2	-	-	-	-	10	1	-	2	-	-	-	15
Mauke	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL	9	5	11	11	16	24	11	8	19	19	18	5	156

112. Compared to the 2012-13 reporting period, the number of MOAO meetings convened for Rarotonga was 107 and 16 for Aitutaki. In this reporting period it is 127 for Rarotonga and 14 for Aitutaki.

113. The following table records the number of resolutions passed at MOAO meetings:

Island	Number of MOAO resolution passed.												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Rarotonga	4	2	6	9	6	4	9	6	10	3	2	-	61
Aitutaki	-	-	-	-	5	1	-	-	1	-	-	-	7
Atiu	2	-	-	-	-	9	-	-	2	-	-	-	13
Mauke	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Passed	6	2	6	9	11	14	9	6	13	3	2	-	81
Pending	3	3	5	3	5	10	3	2	6	16	16	5	75

114. The following table set out the fees collected by the Land Division of the High Court in the first half of the reporting period:

	Jul	Aug	Sep	Oct	Nov	Dec	Total
Rarotonga	5,512.50	7,156.10	7,039.50	5,456.00	6,028.00	4,502.20	35,694.30
Aitutaki	713.00	2,694.00	3,441.00	290.00	590.00	836.00	8,564.00
Atiu	-	228.00	253.00	-	112.00	-	593.00
Mauke	-	-	-	-	-	-	-
Total	6,225.50	10,078.10	10,733.50	5,746.00	6,730.00	5,338.20	44,851.30

115. In the second half of the reporting period the following is recorded:

	Jan	Feb	Mar	Apr	May	Jun	Total
Rarotonga	8,642.50	4,923.10	7,937.60	4,810.20	7,500.00	4,483.30	38,296.70
Aitutaki	642.00	781.00	1,047.00	1,896.00	1,725.00	1,056.00	7,147.00
Atiu	366.00	132.00	-	192.00	-	60.00	750.00
Mauke	172.00	198.00	96.00	128.00	-	-	594.00
Total	9,822.50	6,034.10	8,137.60	7,026.20	9,225.00	5,599.30	45,844.70

116. The total number of fees collected by the Land Division amounts to \$91,639.00. The breakdown is as follows: Rarotonga - \$73,991.00, Aitutaki \$15,711.00, Atiu \$1,343.00 and Mauke \$594.00.

117. There were no waivers of fees ordered by the Land Division of the Land Court.

(iv) Children's Court

118. The Children's Court is established as a Division of the High Court of the Cook Islands in accordance with section 19 of the Prevention of Juvenile Crimes Act 1968.

119. It is staffed by the staff of the Criminal and Civil Division of the High Court.

120. The number of information/charge filed in the Children's Court in the reporting period compared to the previous reporting period is recorded as follows:

Number of information/charge filed in the Children's Court													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
2012-13	1	13	14	5	5	13	4	5	1	21	-	3	85

2013-14	3	-	9	1	-	-	1	5	3	2	1	-	25
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121. It is clear from the table above that there is a major drop in the number of informations/charges filed against juveniles in the reporting period.

122. As earlier stated in this report, the Ministry in conjunction with the Judiciary and Police, together with other stakeholders are reviewing processes in the Children’s Court with a view of introducing a more inclusive process in dealing with juvenile offending. Traditional Leaders, Island Leaders, Village elders and key agencies and personnel will be asked to have an input in providing a solution to juvenile offending in the Cook Islands.

123. The following table set out number of juveniles appearing before the Children’s Court:

Island	Number of Juvenile involved												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total	2	-	4	1	-	-	1	5	2	2	1	-	18
Previous Appearance	2	-	2	-	-	-	1	4	2	2	-	-	13
First Appearance	-	-	2	1	-	-	-	1	1				5

124. The table below set out some of the offences recorded against juveniles:

Island	Type of Offence committed												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Burglary	-	-	-	-	-	-	-	2	-	-	-	-	2
Theft	-	-	-	-	-	-	-	-	-	1	-	-	1
Unlawful Taking	-	-	4	-	-	-	-	-	-	-	-	-	4
Careless Driving	-	-	-	-	-	-	-	-	-	-	-	-	-
Careless Driving – Injury/Death	1	-	-	-	-	-	-	-	-	-	-	-	1
Possession/Use of Cannabis	-	-	-	-	-	-	-	-	-	-	-	-	-
Contempt of Court	1	-	-	-	-	-	-	2	1	-	-	-	4
Failure to comply - notice	-	-	4	1	-	-	1	1	1	-	-	-	8
TOTAL	2	-	8	1	-	-	1	5	2	1	-	-	20

125. It is envisage in the next reporting period that the proposed process to address children and youth issues will have an impact of juvenile offending.

(v) Coroners Court

126. The Coroners Court is established in accordance with the provisions of the Coroners Act 1979-80 (“the Act”). A Coroner is appointed in accordance with section 2 of the Act. The

main function of the Coroner is “to inquire into the manner of death of any person in any case where this Act requires that the death be reported to the Coroner”

127. There were forty deaths reported to the Coroner in the reporting period and only one required an inquest.

Number of deaths reported to the Coroner													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Number	6	3	4	2	3	6	5	2	3	1	2	3	40

128. The outstanding inquest is awaiting the completion of criminal proceedings before it could proceed.

(b) Tribunals

(i) Leases Approval Tribunal

129. The Land Division is also responsible for providing assistance to the Leases Approval Tribunal.
130. The Leases Approval Tribunal, is established in accordance with section 4 of the Leases Restrictions Act 1976, its main function is to “consider applications for approval of leases, assignment of leases, and subleases and to grant its approval in any case where it is satisfied that the criteria for such approval have been satisfied or met.”
131. The table below set out the number of applications received by the Leases Approval Tribunal :

Type of Lease	Number of Applications received by the Leases Approval Tribunal												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Residential	24	20	24	20	25	15	33	20	8	7	27	13	236
Commercial	15	10	10	8	8	12	2	6	10	3	4	3	91
TOTAL	39	30	34	28	33	27	35	26	18	10	31	16	327

132. A large number of the lease applications are for residential/private leases.

133. The table below set out the type of applications dealt with by the LAT.

Type of Application	Number of Applications Received by the Leases Approval Tribunal												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Extension and Variation	-	-	-	-	-	-	1	1	-	-	-	1	3
Lease	14	9	8	8	11	7	13	8	2	1	22	5	108
Sublease	1	-	1	1	2	-	1	-	-	-	-	-	6
Assignment	15	6	11	9	6	8	5	3	9	1	6	2	81
Deed of Variation	1	2	-	-	-	-	-	-	-	1	-	-	4

Deed of Mortgage	8	12	12	9	11	11	12	13	6	7	3	7	111
Deed of Extension	-	1	-	-	-	-	-	-	-	-	-	1	2
Deed of Surrender Sublease or Assign	-	-	2	-	2	-	2	-	-	-	-	-	6
Right of Way	-	-	-	1	-	-	-	-	-	-	-	-	1
Easement	-	-	-	-	1	-	-	-	-	-	-	-	1
Tenancy	-	-	-	-	-	1	1	1	-	-	-	-	3
Renewal	-	-	-	-	-	-	-	-	1	-	-	-	1
TOTAL	39	30	34	28	33	27	35	26	18	10	31	16	327

134. The following table shows the number of applications approved or pending:

Decision.	Number of Applications Received by the Leases Approval Tribunal												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Approved	37	30	34	27	31	23	31	25	18	10	20	14	309
Pending	2	-	-	1	2	4	4	1	-	-	2	2	18

135. It is envisaged that the number of applications will increase in the next reporting period.

(ii) Land Agent Registration Board

136. The Land Division also provide assistance to the Land Agent Registration Board (“LARB”).

137. The LARB are appointed in accordance with section 3 of the Land Agents Registration Board Act 2009 It main function is “to consider applications for registration as Land Agent for the purpose of appearing in the Land Division of the High Court as an advocate or representative of any other person”

138. In the reporting period the LARB renewed the licences of only four Land Agents on Rarotonga and one on Aitutaki.

II LAND INFORMATION:

139. The Land Information Division is, beside the Registrar of the High Court, headed by a Deputy Registrar and the Chief Surveyor. It is divided into three Units, the Land Titles and Land Trust Units are under the supervision of the Deputy Registrar, while the Survey Unit is under the supervision of the Chief Surveyor.

(i) Land Titles

140. The Land Titles is staffed by a Deputy Registrar and 11 other staff. The 11 staff includes the 6 data processors engaged to cross-check the original Register of Land Titles against the entries on the ERLT.

141. The Land Titles Unit is responsible for the management and updating of the Register of Land Titles. Its primary responsibility is ensuring that the information entered into the Land Register is accurate and reflects the actual decision by the Land Court.
142. The following table set out the number of entries made on the Register of Land Titles and also the number of lands affected with the number of new landowners entered.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of entries onto the LROT	139	56	52	54	117	37	290	370	33	272	250	43	1710
Rarotonga	110	48	50	49	116	37	283	155	31	80	221	42	1222
Aitutaki	14	8	2	3	1	-	5	215	2	191	29	1	471
Atiu	15	-	-	2	-	-	2	-	-	1	-	-	20
Total number of land parcels affected by court orders (Application and Deeds)	378	159	111	146	176	62	261	167	153	926	370	98	3007
Rarotonga	125	157	109	140	175	62	254	155	27	572	221	97	2094
Aitutaki	13	2	2	3	1	-	5	12	126	354	149	1	668
Atiu	240	-	-	3	-	-	2	-	-	4	-	-	249
Number of Landowners entered onto LROT	1925	354	491	623	1244	377	1825	1145	1005	3689	2602	484	15280
Rarotonga	95	317	491	608	1244	377	1755	1145	78	1613	1182	484	8905
Aitutaki	105	37	-	-	-	-	14	-	927	2000	1420	-	4503
Atiu	1725	-	-	15	-	-	56	-	-	76	-	-	1872

143. The following table set out a comparison between the entries made in the 2012-13 reporting period and the current period.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of entries onto the LROT													
2012-13	10	67	65	72	57	20	75	189	73	152	127	92	1090
2013-14	139	56	52	54	117	37	290	370	33	272	250	43	1710
Total number of land parcels affected by court orders (Application and Deeds)													
2012-13	266	249	130	260	76	95	304	356	226	501	567	264	3294
2013-14	353	159	111	146	132	62	261	167	29	908	370	98	2796
Number of Landowners entered onto													

LROT														
2012-13	752	959	418	1301	595	651	1786	3646	859	2842	4127	2120	20056	
2013-14	1925	354	491	608	1244	377	1825	1145	1005	3689	2602	484	15280	

144. The number of landowners entered onto the Register of Land Titles depends on the number of Succession applications. While there has been an increase in the number of succession applications received in the reporting period compared to the previous period, the number of landowners to be entered onto the Register of Land Titles also depend on the number of land owners affected by those succession applications.

145. The number of documents registered with the Land Titles Unit are recorded as follows:

Type of Document	Number of Documents Registered												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Deed Easement, Restrictive Covenant, Right of Way	-	-	-	-	1	-	1	-	-	-	-	-	2
Deed of Lease	12	6	2	4	3	2	-	4	3	4	6	3	49
Deed of Mortgage	10	9	10	5	8	13	1	2	8	9	5	1	81
Discharge Mortgage	18	5	8	7	6	8	2	1	4	16	2	6	83
Discharge Charging Order	-	-	-	-	-	-	-	-	-	-	-	1	1
Extension of Term	-	-	-	1	-	-	1	-	-	-	-	-	2
Partial Discharge Mortgage	-	1	1	-	-	-	-	-	-	-	-	-	2
Assignment of Lease	11	4	7	4	3	6	-	1	4	9	7	2	58
Deed of Surrender	1	-	-	-	-	-	-	-	-	-	1	1	3
Deed Variation/Extension	2	-	-	-	-	-	2	3	1	3	-	-	11
Deed Rectification	-	-	-	-	-	1	-	-	-	-	-	-	1
Deed of Renewal	-	-	-	-	-	-	-	-	-	-	1	1	2
Rent Review	-	-	8	-	-	-	-	-	-	-	-	-	8
Rental Agreement	-	-	-	-	-	-	-	-	-	1	-	-	1
Deed Sublease	-	-	-	-	2	-	-	-	1	-	-	-	3
Deed Surrender of Sublease	-	-	-	-	-	-	-	1	-	-	-	-	1
Assignment Sublease	-	-	-	-	-	-	-	-	-	2	-	-	2
Warrant -	-	1	-	-	-	-	-	-	-	-	-	-	1

Solar													
Notice of Forfeiture	-	3	-	-	-	-	-	-	-	2	-	-	5
Tenancy Agreement	-	-	-	-	-	-	-	-	2	-	1	1	4
TOTAL	54	29	36	21	23	30	7	14	22	48	22	14	320

146. The majority of documents registered with the Land Titles are Deed of Assignment, Deed of Mortgage, Discharge of Mortgage and Assignment of Lease.
147. One of the issues facing the Land Titles Unit is the number of errors and omissions on the ERLT. These errors and omissions occurred when information from the Register of Land Titles were entered onto the ERLT.
148. The Ministry is in the process of correcting the entries on the ERLT by cross-checking it with entries and information in the Register of Land Titles. The following table set out the number of Registers, the number of land sections, land blocks and the number of pages for each Register.

Register No:	Island	District	Section Numbers	Total blocks of land	Total pages
1	Rarotonga	Avarua	1-55B	139	457
2	Rarotonga	Avarua	56-101B2B	136	626
3	Rarotonga	Avarua	102A2-106E	146	544
4	Rarotonga	Avarua	107-127G	84	334
5	Rarotonga	Avarua	127H-129N	112	401
6	Rarotonga	Avarua	130-188E	166	502
7	Rarotonga	Avarua	188F-226	155	575
8	Rarotonga	Arorangi	1 to 80	160	419
9	Rarotonga	Arorangi	81-88D	129	443
10	Rarotonga	Arorangi	88E-90L3	99	452
11	Rarotonga	Arorangi	91A-92G3	75	314
12	Rarotonga	Arorangi	92G4-107	119	400
13	Rarotonga	Ngatangia	1A-6Z	108	555
14	Rarotonga	Ngatangia	7A-11J	130	488
15	Rarotonga	Ngatangia	12A to 24	110	332
16	Rarotonga	Takitumu	1 to 30	136	481
17	Rarotonga	Takitumu	31-50	136	533
18	Rarotonga	Matavera	1 to 13Z	94	451
19	Rarotonga	Matavera	14A-17U	104	352
20	Aitutaki	Taravao	1-220	231	604

21	Aitutaki	Taravao	221-374	265	731
22	Aitutaki	Arutanga	1-150	253	831
23	Aitutaki	Arutanga	151-372	243	584
24	Aitutaki	Tautu	1-230	253	559
25	Aitutaki	Vaitupa	1A-133	140	802
26	Aitutaki	Avanui	1-156	154	384
27	Aitutaki	Anaunga	1 to 85	93	351
	Aitutaki	Amuri	1 to 35	49	210
28	Aitutaki	Vaipae	1 -144	176	442
	Aitutaki	Oako	1 to 82	95	273
29	Atiu	Atiu	1-170	196	625
30	Atiu	Atiu	171-380	213	475
31	Atiu	Atiu	381-632	254	495
32	Mauke	Mauke	1 to 11Q	124	485
33	Mauke	Oiretumu	1-9L, 1A-3M	159	582
34	Mitiaro		1 to 5	8	21
	Manihiki			57	61
	Rakahanga		1 to 10	10	11
	Penrhyn		1 to 30	36	63
	Pukapuka		1	1	1
	Nassau			1	1
	Palmerston			1	1
	Suwarrow			1	1
	Mangaia			51	58
				5402	17310

149. The highlighted Registers are completed – this is a total of 11 Registers and 6,105 pages cross-checked. The total number of pages to be cross-checked is 17,310 – 6,105 = 11,205.

150. The following table set out number of errors and mistakes found during the cross-checking of the information on the Register of Land Titles and the ERLT.

Date Changes	Fee Changes	Missing MB Ref	Missing Section Ref	Corrections	Deletions	Not Found	Missing Entry	Missing S/O Ref	No of missing names	Total Number of Errors
22	2	0	0	53	2	2	0	0	1	82
38	4	1	6	58	46	5	90	11	99	358
2555	7	3	2	1143	2248	70	183	1033	1959	9203

849	3	10	56	2061	6517	44	957	7	-	13019
467	21	33	7	2504	19427	655	11	1369	51	28279
3931	37	47	71	5819	28240	776	1241	2420	2110	50941

151. The errors and mistakes set out in the above table highlight the magnitude of the problem with regard the ERLT. The Ministry is thankful to the public including lawyers who continues to assist the Ministry in providing informations that are used in correcting and updating the ERLT. Their continued support is commendable.

152. At the moment there are 5 dedicated data processors cross-checking the ERLT against the Registers of Land Titles. As stated above, 11 Registers have been completed with 23 yet to be completed.

(ii) Land Trust

153. The Land Trust is staffed by the same Deputy Registrar for the Land Trust and two other staff.

154. The Land Trust Unit is responsible for the receipting and distribution of monies received on behalf of landowners in accordance with section 492 of the Cook Islands Act 1915.

155. In the reporting period the Land Trust Unit recorded the following:

Monies Received by the Land Trust Unit				
Month	Receipts Issued	Rentals Received	Commission Paid	Total Amount
Jul	29	\$51464.75	\$2,536.28	\$54,001.03
Aug	48	\$120,886.87	\$4,358.35	\$125,245.22
Sept	44	\$193,600.87	\$9,959.22	\$203,560.09
Oct	42	\$184,255.78	\$9,237.64	\$193,493.42
Nov	23	\$40,192.48	\$1,952.63	\$42,145.11
Dec	31	\$82,511.64	\$3,477.52	\$85,989.16
Jan	34	\$37,175.26	\$1,811.61	\$38,986.87
Feb	29	\$62,965.11	\$3,203.00	\$66,168.11
Mar	33	\$30,299.55	\$2,532.95	\$32,832.50
Apr	37	\$98,903.41	\$4,939.87	\$103,843.28
May	34	\$50,485.31	\$2,326.23	\$52,811.54
Jun	77	\$64,094.26	\$1,267.85	\$65,362.11
TOTAL	461	\$1,016,835.29	\$47,603.15	\$1,064,438.44

156. It is clear from the above table that the total amount of monies received by the Land Trust unit is more than the previous reporting period. Compared to the previous reporting period the total amount of rentals received by the Land Trust Unit in that reporting period was \$795,611.74, an increase of \$221223.55. It is anticipated that these rentals will increase over the years as more development occurs.

157. The Ministry pays out to the beneficiary landowners in the reporting period the following:

Payouts from the Land Trust Unit - July-June 2014		
MONTH	No of cheques issued	Total amount paid
Jul-13	45	\$32,881.09
Aug-13	46	\$98,921.81
Sep-13	43	\$73,595.26
Oct-13	42	\$35,658.72
Nov-13	22	\$21,170.54
Dec-13	33	\$52,652.32
Jan-14	43	\$47,031.62
Feb-14	30	\$30,769.14
Mar-14	28	\$29,430.20
Apr-14	41	\$62,007.20
May-14	44	\$30,181.02
Jun-14	25	\$33,441.57
TOTAL	332	\$422,110.70

158. The difference between monies receipt and monies payout is \$594,724.59. This amount will be paid out to beneficiary landowners and any left over after 3 years will be paid to MFEM according to the provisions of the MFEM Act as part of the unclaimed monies.
159. The Unit is also responsible for management of unclaimed monies by land owners.
160. Since 2004, there have been no payments of unclaimed monies to the Ministry of Finance and Economic Management due to a misinterpretation of the Unclaimed Monies Act. This matter is currently being addressed, with processes being put into place, to ensure that unclaimed monies are paid to the Ministry of Finance and Economic Management.

(iii) Survey

161. The Survey Unit is staffed by the Chief Surveyor and two other staff.
162. The Survey Unit is responsible for the management and updating of land survey information, including the provision of survey services when required.
163. In the reporting period the Survey Unit recorded the following:

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plans Examined	9	6	25	11	3	17	1	8	22	15	7	7	131
Plan Drawn	4	7	5	21	7	7	10	7	5	15	21	21	130
Computer Printout													
PDF Files	10	1	7	6	3	-	4	4	2	4	2	2	45
Photocopies	1	1	1	1	1	1	1	1	1	1	1	1	12
Inquiries	24	15	38	39	14	25	16	20	30	35	31	31	318

164. Beside its normal duties, the Survey Unit has undertaken surveying missions to the Outer Islands to assist government renewal energy project. It has undertaken missions to Penrhyn, Manihiki, Mitiaro and Mangaia.
165. The Survey Unit is currently assisting the government's Te Mato Vai project through the provision of land survey information.
166. The table below set out the number of fees received by the Survey Unit during the reporting period.

Fees received by the Survey Unit in the reporting period.													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Plans Examined	1,666	1,027	1,831	2,226	876.	1,054	1,028.50	1,142.	1,500	1,517	4,138	1,230	19,235.50

167. It is envisaged that the number of fees collected by the Survey Unit will increase in the next reporting period.

III: REGISTRY

168. The Registry Division is staffed by a Deputy Registrar and four other staff, two in the Birth, Death and Marriage Registers Unit and two in the Companies and Incorporated Societies Unit. Its primary function is the maintenance and updating of key Registers and the Electoral Roll. The Division is divided into three Units, the Birth, Death and Marriage Unit, Companies and Incorporated Societies Unit, and the Electoral Rolls Unit.

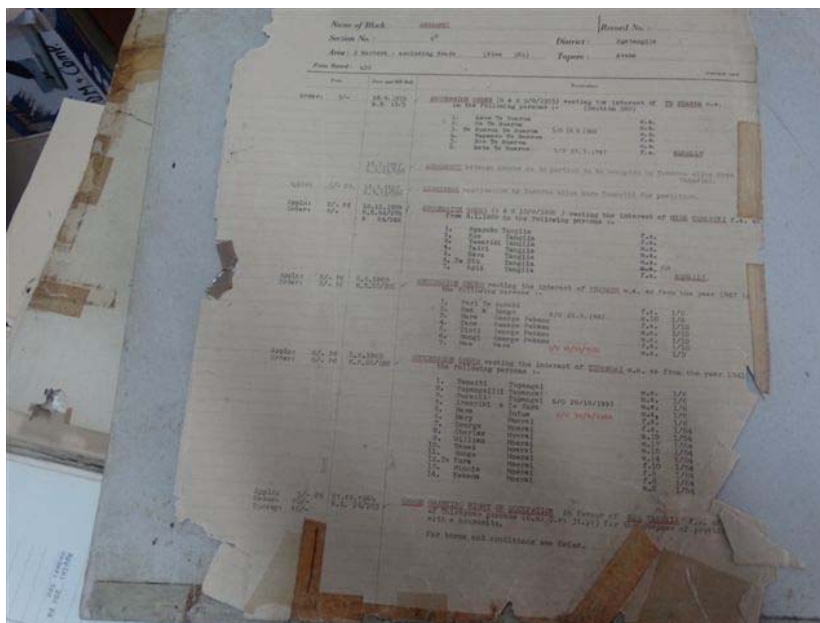
(a) Birth, Death and Marriages Registers:

169. The Birth, Death and Marriages Unit is responsible for the maintenance and updating of the Births, Deaths, and Marriages Registers and ensuring that any information entered into these Registers are correct. Any error or mistake in these Registers can lead to disputes between the persons concerned and the Ministry, and exposes the Ministry to a possible legal action.
170. At the end of the 2013-14 reporting period the number of Registers recorded compared to the numbers in the 2012 – 2013 reporting period were:

Number of Registers						
Islands	Births		Deaths		Marriages	
	2012-13	2013-14	2012-13	2013-14	2012-13	2013-14
Rarotonga	75	86	21	27	122	163
Aitutaki	20	20	7	12	28	32
Mangaia	12	12	6	9	13	14
Atiu	10	10	5	8	8	10
Mauke	8	8	5	8	7	7
Mitiaro	5	5	3	3	3	2
Manihiki	7	7	4	5	5	8
Rakahanga	4	4	3	4	4	4
Penrhyn	5	5	3	3	6	7
Palmerston	1	1	1	1	2	2
Pukapuka	7	10	3	6	5	9

Nassau	2	2	-	-	1	1
TOTAL	156	170	61	86	204	259

171. As reported in the previous reporting period, the state of the Registers was a concern to the Ministry. As a result the Ministry acquired a scanning machine and undertook a scanning program to prevent further deterioration of the Registers as a result of wear, tear and negligence. The following photo illustrate some of the conditions of the Registers before being repaired and then scanned:



172. The Ministry is happy to report that all the Birth, Death and Marriage Registers have all been repaired and scanned. They are now digitally stored and hard copies will be printed for the Outer Islands.
173. The Ministry is thankful to the Registry Division for their dedication and commitment in the repair and scanning of these Registers and the preservation of these important informations.
174. The number of births, deaths and marriages recorded in the reporting period are as follows:

Number of Births, Deaths & Marriages recorded reporting period									
Island	Births			Deaths			Marriages		
	M	F	Total	M	F	Total	R	V	Total
Rarotonga	109	103	211	68	35	103	63	642	705
Aitutaki	9	7	16	8	5	13	4	28	32
Mangaia	1	-	1	4	4	8	1	-	1
Atiu	1	-	1	5	3	8	1	-	1
Mauke	-	-	-	3	1	4	-	-	-
Mitiaro	-	-	-	1	-	1	-	-	-
Manihiki	-	-	-	-	-	-	-	-	-
Rakahanga	-	-	-	-	-	-	-	-	-
Penrhyn	-	-	-	-	-	-	-	-	-

Palmerston	-	-	-	-	-	-	-	-	-
Pukapuka	1	2	3	1	1	2	-	-	-
Nassau	-	-	-	-	-	-	-	-	-
TOTAL	120	112	232	89	49	138	70	670	740

Legend: M = Male, F = Female, R = Resident, V = Visitor.

175. The total number of Births, Deaths and Marriages when compared to the previous reporting period are as follows:

Reporting Period	Births		Deaths		Marriages	
	M	F	M	F	R	V
2012-13	141	132	66	46	43	752
2013-14	120	112	89	49	70	670
Variance	-39	-20	+23	+3	+37	-82

176. While there is a drop in the number of births reported in the 2012-13 financial year in comparison with the 2013-14, there is an increase in the number of deaths reported for the 2013-14 year in comparison to the 2012-13 financial year.
177. In regards the number of marriages recorded, there is an increase in the number of residents getting married in 2013-14, compared to the 2012-13 reporting period. There is also a drop in the number of visitors getting married in the Cook Islands in the 2013-14 reporting period compared with the 2012-13 reporting period.
178. Despite the drop in the number of visitors getting married in the Cook Islands, the numbers illustrate the importance of tourism to the Cook Islands economy as a whole. The majority of visitors marrying in the Cook Islands, pay to waive the three days period before getting married. The cost for a waiver is \$45.00 and this is on top of the normal application cost of \$50.00.
179. The total number of certificates and documents issued by the Birth, Death and Marriage Unit are as follows:

Total number of Birth, Death and Marriage certificates issued in the reporting period.													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Births	279	313	241	280	316	238	399	387	295	237	205	145	3335
Deaths	64	31	37	22	45	34	65	26	65	47	30	14	480
Marriages	74	99	103	92	95	61	73	60	76	82	79	47	941
Total	417	443	381	394	456	333	537	473	436	366	314	206	4756

180. The total number of applications made to the Birth, Death and Marriage Unit are as follows:

Total number of applications received in the reporting period.													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Marriage Licence	69	73	85	77	71	47	33	28	52	63	60	47	705

Marriage waiver	29	32	40	31	28	12	12	12	22	19	31	15	283
Amendment to marriage licence	2	-	2	1	1	4	2	2	-	2	1	2	19
Late registration	-	2	3	1	-	-	3	-	3	2	1	3	18
Deed Polls	7	9	-	7	3	10	13	4	9	7	9	3	81
Under 3 years Registration	2	1	-	3	1	1	2	2	5	1	-	2	20
Power of Attorney	1	4	-	-	-	-	7	1	-	-	3	3	19
Overseas Inquiries	7	7	5	4	4	2	-	3	2	2	3	2	41
Outer Islands	25	12	24	21	19	9	14	73	19	14	14	19	263
Auckland & Wellington requests	9	19	22	19	19	10	33	25	28	13	9	11	217
Others	5	3	-	1	1	2	2	16	14	8	4	6	62
Total	156	162	181	165	147	97	121	166	154	131	135	113	1,728

181. It is clear that a high number of requests are received from Cook Islanders living in New Zealand and elsewhere. In the reporting period the number of requests received from Cook Islanders overseas and visitors were 217 from New Zealand and 41 from elsewhere. The Ministry is grateful to the Cook Islands High Commission and Consulate Office in both Wellington and Auckland for facilitating this service in conjunction with the Ministry. This is an important service for our people overseas and should be maintained.
182. In comparison with the 2012-13 reporting period there has been an increase in the number of births and deaths certificates issued. While there has been an increase in the number of residents getting married there is a drop in the number of visitors getting married in the Cook Islands. The following table shows the comparison:

Total number of certificates issued – a comparison.													
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Births													
2012-13	285	350	229	266	275	230	343	277	245	282	269	239	3290
2013-14	279	313	241	280	316	238	399	387	295	237	205	145	3335
Difference	-6	-37	+12	+14	+41	+8	+56	+110	+50	-45	-64	-94	+45
Deaths													
2012-13	50	57	39	23	35	45	37	41	34	37	42	24	464
2013-14	64	31	37	22	45	34	65	26	65	47	30	14	480
Difference	+14	-26	-2	-1	+10	-9	+22	-15	+31	+10	-12	-10	+16
Marriages													
2012-13	85	117	108	97	101	70	74	72	79	89	116	77	1085
2013-14	74	99	103	92	95	61	73	60	76	82	79	47	941

Difference	-9	-8	-5	-5	-6	-9	-1	-12	-3	-7	-37	-30	-144
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183. The following tables set out the number of fees collected by the Birth, Death and Marriage Unit in the reporting period. The tables is split into two halves due to space constraint:

Amount of fees collected by BDM Unit in first half of reporting period.							
	July	Aug	Sep	Oct	Nov	Dec	Total
Birth Certificate	4,185.00	4,695.00	3,615.00	4,200.00	4,740.00	3,570.00	25,005.00
Death Certificate	960.00	465.00	555.00	330.00	675.00	510.00	3,495.00
Marriage Certificate	1,110.00	1,485.00	1,545.00	1,380.00	1,425.00	915.00	7,860.00
Marriage Licence	3,450.00	3,650.00	4,250.00	3,850.00	3,550.00	2,350.00	21,100.00
Marriage waiver	1,305.00	1,440.00	1,800.00	1,395.00	1,260.00	540.00	7,740.00
Amendment to marriage licence	40.00	-	40.00	20.00	20.00	80.00	200.00
Late registration	-	30.00	40.00	10.00	-	-	80.00
Deed Polls	385.00	495.00	-	385.00	165.00	550.00	1,980
Under 3 years Registration	30.00	15.00	-	45.00	15.00	15.00	120.00
Power of Attorney	6.00	24.00	-	-	-	-	30.00
Overseas Inquiries	70.00	70.00	50.00	40.00	40.00	20.00	290
Photocopy	-	-	44.00	17.00	32.00	19.00	112.00
Others	50.00	45.00	-	5.00	10.00	25.00	135.00
Total							68,147.00
Outer Islands	135.00	285.00	330.00	285.00	210.00	135.00	1,380.00
Wellington & Auckland	225.00	475.00	550.00	475.00	475.00	250.00	2,450.00

Amount of fees collected by BDM Unit in second half of reporting period.							
	Jan	Feb	Mar	Apr	May	Jun	Total
Birth Certificate	5,985.00	5,805.00	4,425.00	3,555.00	3,075.00	2,175.00	25,020.00
Death Certificate	975.00	390.00	975.00	705.00	450.00	210.00	3,705.00
Marriage Certificate	1,090.00	900.00	1,140.00	1,230.00	1,185.00	705.00	6,250.00
Marriage Licence	1,650.00	1,400.00	2,600.00	3,150.00	3,000.00	2,350.00	14,150.00
Marriage waiver	540.00	540.00	990.00	855.00	1,395.00	675.00	4,995.00

Amendment to marriage licence	40	40	-	40	20	40	180.00
Late registration	30.00	-	30.00	20.00	10.00	30.00	120.00
Deed Polls	715.00	220.00	495.00	385.00	495.00	165.00	2,475.00
Under 3 years Registration	30.00	30.00	75.00	15.00	-	30.00	180.00
Power of Attorney	42.00	6.00	-	-	18.00	18.00	84.00
Overseas Inquiries	-	30.00	20.00	20.00	30.00	20.00	120.00
Photocopy	-	-	-	-	-	-	-
Others	15.00	33.00	46.00	19.00	19.00	49.00	181.00
Total							57,460.00
Outer Islands	210.00	1,095.00	285.00	210.00	210.00	285.00	2,295.00
Wellington & Auckland	495.00	625.00	420.00	195.00	225.00	275.00	2,235.00

184. The total amount of fees collected by the BDM Unit in the reporting period is \$125,607.00. Compared to the previous reporting period, the total amount of fees collected was \$130,594.00.
185. The drop in fees can be attributed to the drop in the number of visitors getting married in the Cook Islands.

(b) Companies and Incorporated Societies Registers:

186. The Companies and Incorporated Registers Unit is responsible for the maintenance of both the Companies Register, in accordance with the provisions of the Companies Act 1970-71, and the Incorporated Societies Register, in accordance with the provisions of the Incorporated Societies Act 1994.
187. In the 2013-14 financial year, the following was recorded in regard companies by the Companies and Incorporated Societies Registers Unit:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Approval of Name	20	14	14	10	9	13	10	12	8	16	8	6	134
New Registration	7	8	9	8	9	7	8	10	6	5	3	8	88
Annual Registration paid	111	32	21	27	6	9	9	13	16	144	249	239	637
Charges	9	8	1	4	1	9	2	3	5	3	2	4	47
Satisfaction of Charge	7	9	1	4	-	4	1	3	4	2	2	2	37

Registration of Chattels	15	10	-	-	40	7	13	28	19	11	24	21	167
Satisfaction/ Renewal of Chattels	1	1	1	-	1	1	-	4	-	-	1	3	13
Penalty Fees Imposed	1	2	1	5	-	3	1	-	1	2	3	2	19
Searches	14	24	7	8	6	18	8	10	8	7	9	6	119

188. The number of companies registered in the reporting period (new registration and Annual Registration paid) is 725, compared to the 2012-13 financial year which was 940. The number of companies that is yet to pay their annual registration in the reporting period is 201.
189. The number of companies that have been struck off the Companies Register for failing to comply with the provisions of the Companies Act in the reporting period was 87 and the number of companies re-instated was 9.
190. The number of Incorporated Societies registered in the reporting period is 21, less 10 from the 2012-13 financial year which was 31. Those that have not filed their annual returns or financial report have been struck off the Register of Incorporated Societies.
191. The following tables set out the number of fees collected by the Companies and Incorporated Societies Unit:

Amount of fees collected by Companies and Incorporated Societies Unit in first half of reporting period.							
	July	Aug	Sep	Oct	Nov	Dec	Total
New Registration	770.00	880.00	990.00	880.00	990.00	770.00	5,280.00
Incorporated Societies	300.00	-	90.00	-	-	30.00	420.00
Change of Name	60.00	-	-	30.00	-	-	90.00
Charges	300.00	320.00	50.00	200.00	50.00	330.00	1,250.00
Satisfaction of Charge	140.00	180.00	20.00	80.00	-	80.00	500.00
Registration of Chattel	600.00	400.00	-	-	1,600.00	280.00	2,880.00
Satisfaction/ Renewal of Chattel regs	15.00	15.00	15.00	-	15.00	15.00	75.00
Annual Registration Fees	4,350.00	1,070.00	1,080.00	1,600.00	180.00	640.00	8,920.00
Penalty Fees	50.00	300.00	60.00	240.00	-	270.00	920.00
Approval of Name	400.00	280.00	280.00	200.00	180.00	260.00	1,600.00
Searches	70.00	120.00	60.00	60.00	30.00	150.00	490.00

Increase in capital	-	-	-	50.00	-	-	50.00
Others	193.20	166.00	143.00	185.00	100.00	220.00	1,007.20
Total	7,248.20	3,731.00	2,788.00	3,525.00	3,145.00	3,045.00	23,482.20

192.

Amount of fees collected by BDM Unit in second half of reporting period.							
	Jan	Feb	Mar	Apr	May	Jun	Total
New Registration	880.00	1,100.00	660.00	550.00	330.00	880.00	4,400.00
Incorporated Societies	-	60.00	90.00	-	60.00	-	210.00
Change of Name	-	60.00	-	60.00	-	-	120.00
Charges	100.00	150.00	220.00	110.00	100.00	200.00	880.00
Satisfaction of Charge	20.00	60.00	80.00	40.00	40.00	40.00	280.00
Registration of Chattel	520.00	1,120.00	760.00	440.00	960.00	840.00	4,640.00
Satisfaction/ Renewal of chattel regs.	-	60.00	-	-	15.00	45.00	120.00
Annual Registration Fees	1,340.00	2,570.00	720.00	9,160.00	14,050.00	15,300.00	43,140.00
Penalty Fees	90.00	-	120.00	600.00	150.00	90.00	1,050.00
Approval of Name	200.00	240.00	160.00	320.00	160.00	120.00	1,200.00
Searches	180.00	75.00	45.00	35.00	45.00	40.00	420.00
Increase in capital	-	-	-	-	-	50.00	50.00
Others	263.00	132.00	98.00	36.00	215.00	305.00	1,049.00
Total	3,593.00	5,627.00	2,953.00	11,351.00	16,125.00	17,910.00	57,559.00

193. The total amount of fees collected by the Companies and Incorporated Societies Unit is \$81,041.20. Compared to the previous reporting period the total amount of fees collected was \$79,684.50.

(c) Electoral Rolls Unit

194. The Electoral Rolls Unit is responsible for maintenance and updating of the Electoral Rolls.

195. Statutorily the Ministry should be responsible for the upgrading of the Electoral Rolls as the Chief Registrar of Electors, responsible for the Electoral Rolls, is the head of the Ministry.

196. However due to lack of personnel and budget resources the role of upgrading the Electoral Rolls is being undertaken by the staff of the Statistics Division of the Ministry of Finance and Economic Development. The Chief Electoral Officer is also the head of the Statistics Division of the Ministry of Finance and Economic Management.

197. The Ministry will be taking a more active role in the upgrading and management of the Electoral Rolls in the years to come.

IV: PRISON SERVICE

198. The Prison Service Division is headed by the Superintendent of Prisons appointed under section 5 of the Prisons Act 1967. It is divided into three Units, the Security Unit, Support Services Unit, and the Administration Unit.
199. The Prison Service Division is primarily responsible for ensuring that those sentenced into custody by the Courts, served their term accordingly. It is also responsible for ensuring that those sentenced into custody by the Courts participated in programs design for their rehabilitation.

(a) Security Unit

200. The Security Unit is primarily responsible for ensuring that those sentenced by the Court into custody at Arorangi Prison are held in a safe and secure place and allowed to serve their custodial term accordingly.
201. In the reporting period, there was no escape from custody recorded nor was there any breach of security.
202. The number of persons sentenced in custody or remanded in custody in each month in the reporting period are as follows:

Number of person sentenced or remanded into custody per month in the reporting period.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Sentenced												
Male	28	32	39	40	41	39	36	36	31	30	31	38
F/Male	1	1	2	2	2	1	1	1	-	-	-	-
Remanded												
Male	6	3	2	3	5	3	3	4	4	5	3	-
Female	-	-	-	-	-	-	-	-	-	-	-	-
Total	35	36	43	45	48	43	40	41	35	35	34	38

203. Compared to the 2012-13 financial year the number of persons in custody are as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2012-13												
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
2013-14												
Male	34	35	41	43	46	42	39	40	35	35	34	38
Female	1	1	2	2	2	1	1	1	-	-	-	-
TOTAL	35	36	43	45	48	43	40	41	35	35	34	38

204. In the next reporting period the Ministry will capture data on those sentenced to a custodial sentence as to whether it is for the first time or repeat. This is important to test the effectiveness of our rehabilitation programs.

205. The number of persons discharged from custody are as follows:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	1	-	1	3	-	2	1	-	2	3	2	1
F/Male	-	-	-	-	-	1	-	-	1	-	-	-
TOTAL	1	-	1	3	-	3	1	-	3	3	2	1

206. A breakdown of the age group of persons inside prison

	<16	16-20	21-30	31-40	41-50	51-60	Total
Jul	-	6	10	10	9	-	35
Aug	-	4	13	11	8	-	36
Sept	-	7	13	13	8	2	43
Oct	-	6	15	14	8	2	45
Nov	-	8	16	14	8	2	48
Dec	-	6	15	13	8	1	43
Jan	-	5	15	11	8	1	40
Feb	-	6	14	11	9	1	41
Mar	-	5	13	10	7	-	35
Apr	-	5	14	9	7	-	35
May	-	3	15	9	7	-	34
June	-	4	16	10	8	-	38
TOTAL	-	-	-	-	-	-	-

207. It is clear from the above table that there is a high number of young people serving custodial sentences in Prison.

208. An ongoing issue for the Security Unit is the number of staff required to provide security for those in custody.

209. The Security Unit provide 24/7 coverage of the Prison. It does this by having staffs work on four shifts. These shifts are:

- (i) Early Shift 0700hrs – 1500hrs (7.00am – 3.00pm)
- (ii) Late Shift 1500hrs – 2300hrs (3.00pm – 11.00pm)
- (iii) Night Shift 2300hrs – 0700hrs. (11.00pm – 7.00am)
- (iv) Reserve Shift 0800hrs – 1600hrs (8.00am – 4.00pm)

210. The Reserve Shift provides the backup and support to the working shift when required. This includes escorting prisoners to Court, the Hospital for treatment when required or onto the field in response to work-scheme and work-gang engagement.

211. The ideal number of staff on each shift should be three; a supervisor and two other officers. In the event of an emergency particularly after 4.00pm and weekends, one staff can be released to attend to the emergency– which could be medical escort or mental case episode etc, the other can still patrol the prison and the supervisor inside the guard room to monitor the movement of prisoners on the Close Circuit Camera.

212. Unfortunately, the number of prison officers employed to provide 24/7 cover is not enough, despite requests to employ more officers. There are two officers on duty after hours and in

the weekends, where an emergency occurs off-duty officers are recalled to provide cover. Any recall of off-duty officers affects the ability of the Security Unit to provide 24/7 cover, more particularly when officers take leave or time off in lieu.

- 213. The total number of prison officers employed by the Ministry is 21. There are 15 officers in the Security Unit, 4 in the Support Unit and 1 in the Administration Unit. The Superintendent has overall responsibility. There are two female officers and they are included in the 15 for the Security Unit.
- 214. One of the major concerns for the Ministry is the safety of Prison Officers employed in the Security Unit. This is more so with the increase in the number of prisoners exhibiting or being diagnosed with some mental condition. Prison Officers are not trained to deal with mentally challenged people and yet are expected to care for these people while they are in custody due to the lack of facilities for mentally challenged people.
- 215. Until a facility is provided for mentally challenged people, the Prison Officers will continue to face such challenge while on duty. Having two Prison Officers on a shift increase that challenge.

(b) Support Services Unit

- 216. The Support Services Unit is responsible for the development of programmes and activities design for the rehabilitation and the reintegration of inmates into the community before they are released back into the community after serving their custodial term. It is also responsible for the livestock and agricultural activities of the Prison, to minimise the food bill to the taxpayer.
- 217. These programs are developed with the help of government, non-government, religious civil society agencies.
- 218. In the reporting period the following activities were recorded:

Activity	Provider	Duration	Participants
Literacy & Numeracy	Ministry of Education	All year	Inmates
Special Needs Class	Ministry of Education	All year	Inmates
USP Studies	USP	During semester	3 x inmates
Level 2 Carpentry	MOE – Trade School	Every Wednesday and Thursday evening	Inmates – 2 for level 2, 1 for level 3
Customer Care	MOE - CITTI		Inmates and employees of MOJ
Basic Business Studies	BTIB	2 x weeks	Inmates and employees of MOJ
Counselling	Various Church Groups	On-going	Inmates

219. The Ministry is thankful to the MOE, Sister Margaret and her colleagues from the Sisters of Charity organisation, for their continued support of the Prison Services over the years and years to come.
220. During the reporting period the New Zealand High Commissioner donated reading and reference books to the Prison Library. The Ministry is thankful for the donation which was well received the staff at the Prison and also the inmates. These are important resources as the Prison Services strive to improve the literacy and numeracy levels of inmates.
221. The Prison Services also undertake two schemes designed to assist inmates, namely the Work Scheme and the Work-gang Scheme. The former is where individual inmates or a small group of inmates are hired for a day to people in the community. The latter is where a group of inmates are also hired to people in the community to assist, where the activity does not require a full day work and required a group of people, like turning and planting taro patches.
222. During the reporting period number of inmates released on to the work scheme are recorded as follows:

Number of prisoners released onto the work-scheme in the reporting period												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun
No of Inmates.	13	15	15	18	14	14	17	15	19	16	15	17
Total No of inmates	35	36	43	45	48	43	40	41	35	35	34	38

223. 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. That costs is split 60/40 between the Ministry and the inmate.
224. During the reporting period the number of projects completed by the work-gang scheme are as recorded:

Number of Projects completed by the work-gang in the reporting period												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun
Turning Taro Patches	1	3	-	-	5	3	12	9	2	1	7	8
Clearing Section	-	-	-	-	-	1	-	2	1	3	1	1
Others	-	-	-	-	-	-	-	2	3	-	-	2
Total	1	3	-	-	5	4	12	13	8	4	8	11

Others – involves building small huts, drainage clearing, concrete pouring (house foundation)

225. Payment for the work-gang is either in cash or foodstuff. The main purpose of the work gang scheme is to assist with the provision of foodstuff for inmates and in reducing the costs of maintenance for the Prison. Payment for the work gang is normally foodstuff and other materials required for the maintenance of the Prison and its surroundings.
226. Besides involvement in the work scheme and work-gang scheme, inmates also are engaged in the making of local crafts, including ukulele. These are normally sold to the public and forms part of the Ministry trading revenue. Any revenue received after the sale of crafts belonging to an inmate, is split 60/40 between the Ministry and the inmate.
227. The success of these programs and schemes depend on the availability of staff to provide security when the program and scheme has to be conducted out of the prison ground. There is a need for prison officers to accompany prisoners to the place of instruction or work, and escort them back after instruction or work.
228. There is also the need for a mobile unit to monitor prisoners on unsupervised released on the work scheme program.

(c) Administration Unit

229. The Administration Unit is responsible for the administration of the Prison Services. It is headed by the Superintendent, who also has overall responsibility for the Prison.
230. It is responsible for the collection of fees and distribution of funds to inmates where applicable.
231. In the reporting period the number of monies collected by the Prison Service Divisions are as follows:

Fees and monies received by the Prison Service in the reporting period:													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun	Total
Work-Scheme	5840	10291	8635.50	6410	7631	7631	5930	8340	7310	8430	7274	9225	92,947.50
Workshop	3710	4630	5310	5560	2920	2920	2350	2360	3325	2835	3405	2295	41,620
Others	523	553	1204	241.50	316	316	27	47	36	16	14	271	3,564.50
Total	10,073	15474	15149.50	12,211.5	10867	10867	8307	10474	10671	11281	10693	11791	138,132

232. There is the potential for the Prison Services to increase its revenues and become reduce its food bill. This can be achieved through the employment of another 10 officers that can provide security and be available to escort inmates to fulfil work-scheme and work-gang requests.

V: PROBATION SERVICES

233. The Probation Service Division is headed by the Chief Probation Officer and supported by 7 other staff. Included in the 7 staff are the two probation officers on the islands of Aitutaki

and Atiu. Where there is no probation officer on an outer island the role is performed by the Deputy Registrars on the island.

234. The primary function of the Probation Service is to assist the court in determining the appropriate penalty for any person appearing before the court for sentencing and to monitor compliance with both probation and parole terms imposed by the Court and by operation of the law.
235. It is divided into two units, the Court Assistance and the Monitoring Unit.

(a) Monitoring and Compliance

236. The Monitoring Unit is responsible for ensuring that those placed on probation by the Court or released on probation from Prison comply with their probation or parole conditions.
237. The total number of persons on probation, including those from previous reporting periods, is recorded as follows:

Total number of person on probation per month in the reporting period												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	61	55	57	59	63	59	59	59	57	70	73	66
F/Male	18	22	22	22	21	16	15	15	16	17	17	15
Total	79	77	79	81	84	75	74	74	73	87	90	81
Employed	63	50	57	71	73	58	53	53	46	59	59	60
Unemployed	16	27	22	10	11	17	21	21	27	28	31	21

238. The number of persons on probation who were also ordered to serve community service as part of their probation term are as follows:

Total number of probationers ordered to do community service as part of probation term.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total	18	20	22	23	24	22	21	19	16	20	21	18
Projects Completed	6	8	7	6	10	5	4	8	8	6	4	4

239. Projects completed by those on community service include assisting pensioners in cleaning their yards and residences, turning and planting of taro patches, and cleaning community areas.
240. In term of the reporting period the number of persons placed on probation by the Court or released on probation is recorded as follows:

Number of persons released onto probation per month.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Court	2	6	4	3	3	6	-	7	6	10	9	1
Prison	1	-	1	3	-	3	1	-	1	2	1	-

241. In the next reporting period, data will be collected on whether those released on probation from the Court are on probation for the first time or have previously been on probation. This

data is importance in determining the effectiveness of programs delivered by the Probation Service and also to gauge re-offending.

242. Further such data will enable the Probation Service to design targeted programs aimed at reducing re-offending in the community.

243. In terms of place of residence of probationers at time of sentence or released from prison, the following is recorded:

Place of residence of probationers.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Takitumu	24	26	26	27	28	26	25	21	20	22	22	19
Puaikura	19	18	19	19	20	17	18	20	17	21	21	19
Teautonga	36	33	34	35	36	32	31	33	36	44	47	43
Total	79	77	79	81	84	75	74	74	73	87	90	81

244. The following table set out the number of persons serving their probation term in the Outer Islands:

Number of persons serving probation term in the outer Islands.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Aitutaki	6	5	5	6	6	-	3	3	3	3	3	3
Atiu	-	1	1	1	1	1	-	-	-	1	1	1
Manihiki	1	1	1	1	1	1	-	-	-	-	-	-

245. The following table break down the number of persons on probation into age groups:

Age of persons on probation													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
< 16	1	-	-	-	-	-	-	-	-	-	-	-	1
Male	1	-	-	-	-	-	-	-	-	-	-	-	1
Female	-	-	-	-	-	-	-	-	-	-	-	-	-
16-20	22	22	23	24	24	20	21	21	21	24	23	22	
Male	16	14	15	17	17	15	17	18	18	21	20	19	
Female	6	8	8	7	7	5	4	3	3	3	3	3	
21-30	27	26	26	26	28	25	27	28	26	31	34	32	
Male	20	18	18	19	21	20	22	21	18	23	26	24	
Female	7	8	8	7	7	5	5	7	8	8	8	8	
31-40	18	19	19	19	20	17	15	13	14	19	18	15	
Male	15	15	15	16	15	13	11	9	9	14	13	11	
Female	3	4	4	3	5	4	4	4	5	5	5	4	
41-50	7	6	7	8	8	8	6	7	7	7	8	7	
Male	7	6	7	8	8	8	6	7	7	7	8	7	
Female	-	-	-	-	-	-	-	-	-	-	-	-	
51-60	2	2	2	2	2	3	3	3	3	4	5	5	
Male	1	1	1	1	1	2	2	3	3	4	5	5	
Female	1	1	1	1	1	1	1	-	-	-	-	-	
60 >	2	2	2	2	2	2	2	2	2	2	2	-	
Male	1	1	1	1	1	1	1	1	1	1	1	-	
Female	1	1	1	1	1	1	1	1	1	1	1	-	
Total Probationers	79	77	78	81	84	75	74	74	73	87	90	81	

246. It is clear from the table above that a majority of those ordered to serve a probation term falls within the 16-20 and 21 -30 age groups. This is normally young people with their future informant of them.
247. In order to address the concern the Ministry have been in dialogue with stakeholders, namely the Police and the Child Welfare Unit of the Ministry of Internal Affairs. The end result is a resolution to introduce a forum where issues concerning the youth and young persons are properly addressed through an integrated approach to problem solving.
248. The Probation Service, in the reporting period, has been successful in finding jobs for some probationers.

(b) Court Assistance

249. The Court Assistance Unit is responsible for preparing pre-sentence report to assist the Court in determining an appropriate penalty.
250. The number of pre-sentence report prepared by the section is recorded as follows:

Total number of report prepared each month												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total reports	11	13	15	12	14	11	10	6	7	14	8	1
Captions provided by the Police	3	4	4	6	7	3	4	5	4	5	2	1

251. The quality of probation reports depends on a variety of factors. One of them is the provision of a Caption and Summary of Facts report by the Police, unfortunately as seen from the above table, these has not been forthcoming. Despite repeated efforts to address it, the problem continues.
252. The following table set out the results of probation reports when presented to the Court:

Result of probation reports presented to the Court												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Presented to the Court	7	7	15	11	6	12	3	8	7	5	10	1
Recommendation followed:	2	5	10	5	2	7	1	4	4	2	7	1
Recommendation partly followed:	1	1	3	1	3	3	-	2	2	2	2	-
Recommendation not followed:	4	1	2	5	1	2	2	2	1	1	1	-

253. As seen from the above table, a majority of the recommendations presented to the Court are accepted by the Court. A small number is rejected by the Court, meaning that there is still room for improvement in the presentation of recommendations to the Court.
254. The demand to meet court reports, develop and deliver programs to rehabilitate probationers , and visiting licence premises places a huge burden on the ability of the

Probation Service to be effective. As outline earlier that there are 81 probationers and only 5 probation officers. Despite requests for an amendment to the Probation Service organisation chart to enable the employment of two more probation officers, approval for it has not been given by the Office of the Public Service Commissioner. The proposed process to address juvenile and youth offending will add more pressure on the Probation Service ability to be effective.

255. The effectiveness of the Probation Service in monitoring and holding probationer accountable is hampered by a lack both human and financial resource. The Probation Service has only one vehicle (car) and relies on the good will of the staff and the Environment Service to assists in transporting those ordered on community service to attend to their allocated project and even monitoring those on probation. That car is now not working and hopefully a request for a new vehicle for the Probation Services will be supported.
256. The Ministry of Justice is grateful to the Environment Service for its continuing support of the Probation Service through the provision of one of its pickup truck to assist the Probation Service in transporting probationers to attend community service n Saturday mornings.

VI: CORPORATE SERVICES

257. The Corporate Services is divided into two main Units. The Information Technology Unit, headed by the Computer Programmer at the moment and the Finance Unit, headed by the Director of Finance.

(a) IT Unit

258. The IT Unit is currently headed by the Programmer, who also acts as project manager. He is supported by an IT person. Despite an approval for an IT Manger to head the Unit, funding for the position has not been forthcoming.
259. The Ministry, with the exception of Aitutaki, have been unable to provide computers or laptops for its officers in the Outer Islands. The Ministry is grateful to the Islands Administrations for sharing their resources in the Outer Islands.
260. The Ministry have joined the domain cookislands.gov.ck, there are still teething problems with the connection to the domain, and hopefully this will be addressed soon.
261. The IT Unit is also under due to the lack of funding for the employment of an IT Manager to oversee the Unit and release the Programmer to concentrate on developing computer programmes to improve the performance of the Ministry.
262. To make matter worse, at the time of the preparation of this report, the IT staff that normally assist the Programmer had resigned and have moved to Australia to be with her husband.

(b) Finance Unit

263. The Finance Unit is responsible for the maintaining and provision of advice on financial matters. It also assists with human resource issues.

264. The Ministry lost the following staff during the reporting period:

Position/Title	Output/Division	Reason for leaving
Finance Manager	Corporate	Cannot afford mortgage payment on current salary
Stenographer	Courts & Tribunals	Better pay in the private sector
Land Clerk	Courts & Tribunals	Better pay at another Ministry
Data Processors (2)	Land Information	Better pay in private sector
2 nd Officer	Prison Services	Retired
2 nd Officer	Prison Services	Resign – Candidate in election
Administration Officer	Prison Services	Moved to Australia – can't afford mortgage payment on current salary
Prison Officer	Prison Services	Moved to Australia – can't afford mortgage payment on current salary
Prison Officer	Prison Services	Better pay at another government SOE
Prison Officer	Prison Services	Tired of working – because of salary (NZ trained officer)
Probation Officer	Probation Services	Charged with assault
Probation Officer	Probation Services	Better pay at another Crown Entity.

265. The Prison Officer who has resigned to be a candidate in the 2014 Election has now been reinstated. In this new reporting period we have lost two more staff, one (Criminal and Civil Division Clerk) to do missionary work and the other (IT Support Officer) to join her husband in Australia. In the case of the latter, the same reason as the other was given, that is her and husband can't meet their financial obligations to the Bank on current salary.

266. The following table set out the number of staff taking USP studies and their area of study:

Position/Title	Output/Division	Area of Study
Titles Officer	Land Information	Management
Land Clerk	Courts & Tribunals	Management
Land Clerk	Courts & Tribunals	Management
Finance Officer	Corporate	Management
Probation Officer	Probation Services	Law
Prison Officer	Prison Services	Management
Prison Officer	Prison Services	Management

267. The Ministry is serious about the training and development of its staff. In that respect it had adopted a policy where it pays for staff courses with the USP up front. When the staff is successful he/she then proceeds to the next level and where he/she is unsuccessful he repays the Ministry. This is necessary as staff as an incentive for staff to successfully complete their studies.

268. One of the issues within the Ministry is the remuneration of staff within the Ministry. Despite submissions for review of staff remunerations, this has not been forthcoming.

269. At the conclusion of this report, the Audited Account of the Ministry has not been completed. Despite that, the following table taken from the June 2014 Variance report of the Ministry outlined the financial performance of the Ministry during the reporting period:

Category	Budget	Actual	Variance
Personnel Expense	1,465,290.00	1,429,967.00	35,323.00
Operating Expense	406,686.00	517,906.00	(111,220.00)
Depreciation Expense	104,647.00	108,094.00	(3,447.00)
Total Expenditure	1,976,623.00	2,055,967.00	(79,344.00)
Trading Revenue	467,765.00	571,879.00	104,114.00
Nett Expenditure	1,508,858.00	1,484,088.00	24,770.00
Capital Appropriation			
Aid Revenue			
Aid Expense			
POBOC	217,000.00	109,108.00	(107,892.00)
ROBOC	40,000.00	50,000.00	10,000.00

270. As seen from the above table, the Ministry made some savings in its personnel allocation amounting \$35,323.00. These savings arise as a result of delays in appointing of replacement for vacancies arising from resignations. The reasons for the resignations are set out above.
271. Despite these savings, the Ministry overspent its operational budget allocation to the sum of \$111,220.00. This arises as a result of an increase in the number of Court sittings in the reporting period, costs of food for the Prison Services, etc. This operational budget overspent is however off-setted by savings in the personnel budget together with an increase in trading revenue resulting in a net expenditure of \$24,770.00.
272. Further the Ministry in the reporting period have exceeded its trading revenue projections to the sum of \$104, 114.00. This increase in trading revenue is as a result of better collection of fees and court costs, increase in land rentals received by the Ministry and an increase in the Prison Service trading revenue.
273. The increase in the Prison Services trading revenue is as a result of new schemes introduced in the reporting period. The trading revenue will increase if sufficient Prison Officers are employed, as more inmates will be released on the work scheme program and work-gang program.
274. Beside the increase in trading revenue, the Ministry has made savings in its POBOC allocation and increased its ROBOC collection over the budgeted sum. In the POBOC allocation it's made a saving of \$107,892.00 and in the ROBOC, it increase its collection of ROBOC by \$10,000.00 over the budgeted sum. Unfortunately these savings are not reflected in the overall review of the Ministry's financial performance.
275. Most of the management decisions affecting the utilisation of the POBOC is made by the Ministry and any savings or otherwise should be reflected in the overall financial performance of the Ministry. The Ministry of Financial and Economic Management is just a

conduit for payment of items under the POBOC vote item, yet it appears under the current system is claiming the accolades for any savings made in the POBOC.

276. Audit have identified that the Financial Unit is under staff, with only a Finance Director and a Finance Officer to address all the financial matters for the Ministry. It recommends the engagement of a tertiary qualified finance officer to assist the Financial Unit – unfortunately due to budgetary constraints a senior finance officer could not afford to employ a tertiary qualified finance officer. Instead it opted to engage an independent finance person to provide assistance to the Finance Manager.
277. Audit has also raised concerns in regard the Land Trust Account, in particular the payment of unclaimed monies to MFEM, and the Law Trust account. These and other areas raised by Audit are being addressed internally.

VIII: CONCLUDING REMARKS:

278. The number of Criminal and Civil Court sittings has increased in the reporting period in response to the demand for more court sittings in this area. This trend will continue in the next reporting period with focus being on more Land Court sittings.
279. This focus on an increase in Land Court sittings is consistent with government objectives of growing the economy. It is a statutory requirement that any and lease, whether commercial or private is to be approved by the Land Division of the High Court.
280. The increase in Land Court sittings will also increase the demand for court transcript and add pressure on stenographers to complete court transcript within a reasonable time. The Ministry will again try to increase the number of stenographers from 2 to four to cater for the demand in this area.
281. The number of old Register of Land Titles, that have been cross checked, corrected and updated with the ERLT is eleven with another 23 registers go. As stated in a previous report, the errors have occurred as a result of a lack of quality controls through cross checking of entries onto the ERLT with the old Register of Land Titles. This failure has resulted in errors entered onto the ERLT and omissions.
282. The Ministry is addressing this issue with the employment of data processors who are cross-checking the entries on the ERLT with the original Registers of Land Titles to ensure that all entries are correct and any omissions entered onto the ERLT.
283. The Ministry is the custodian of very important personal information dating back a lot of years. These informations are captured in Births, Deaths, and Marriages Registers. As reported above the Ministry has completed scanning all the Births, Deaths, and Marriage Registers and are now printing and re-checking them before transmission to the Outer Islands.

284. The ADB is providing funding for a review of the Companies Act to accommodate the introduction of an Online Companies Registry for the Cook Islands. Such a development will assist companies to register with the Ministry online, rather than physically attending at the Ministry office.
285. One of the issues facing the Ministry is the number of staff required for delivery of services by the Ministry. This is more so in the Probation and Prison Services. The other is the need for air conditioning to be installed in the MOJ building, particularly in the Court rooms. Repeated requests have been made but funding has not been forthcoming, the Ministry hoped that the in the new financial year funding will be provided.
286. Despite repeated requests to the OPSC to approve the proposed organisational structure, the OPSC have been reluctant to approve the proposed organisational structure. This should be addressed as soon as possible.
287. The Ministry still committed to serving and providing quality service wherever possible to the people of the Cook Islands
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