



TE TANGO TUTARA O TE TURE (MINISTRY OF JUSTICE)



ANNUAL REPORT 2014-15

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From the Secretary:

Te Tango Tutara o te Ture occupies an unique position within the machineries of government. It has functions and responsibilities in both the Judiciary and Executive arms of government.

In the reporting period there has been an increase in demand for more court sessions, particularly in the criminal and land divisions of the High Court of the Cook Islands. These demands are driven by an increase in the number of criminal information and land applications filed with the court. There is also the added impact of the general elections in the reporting period which had an impact on the operations and overall performance of the Ministry.

The need for accurate and up-to-date information is also a challenge facing the Ministry, particularly in regards the Register of Land Titles. Delays in updating the register is ongoing and despite repeated requests for funding, assistance has not been forthcoming. The backlog of transcripts in regards to land matters also contributes to the delay in updating the register of land titles. This is an area that the Ministry will be focussing in the next reporting period. Processes in this area has already reviewed to increase efficiency in updating the Register of Land Titles.

Reducing crimes can only be achieved through corroboration with key stakeholders and in that vein the Ministry is working closely with government and non-government entities in achieving that objective.

The lack of resources is a constraint, that is hindering Ministry efforts in achieving its objectives and core mandates. Achievements for the reporting periods are as follows:

- The criminal case backlog has been reduced significantly.
- “Skype hearings” have been introduced to deal with electoral petitions. Benefits include cost savings for the government and urgent hearings could be completed quickly
- “Koro Akaau” processes have been introduced to include the community in providing solutions on youth offending.
- Innovative “Self-sufficient programs” to subsidise services at the prison is ongoing. Expectations are, the outcomes will contribute towards government goals on reducing poverty in the Cook Islands.
- Completion of surveying and acquisition of lands for government solar program and the Te Mato Vai project.
- The General Elections were jointly managed with the Chief Electoral Officer. Accounting reports an increase in trading revenues

The commitment and dedication of the staff within the Ministry is reflected in this report.

Despite the continuing issue with remuneration and working conditions, the staff are committed in providing quality services for the people of the Cook Islands. To them I am grateful for their dedication, commitment and support.



Tingika Elikana LLB, MBA.

Secretary

Introduction:

1. **Te Tango Tutara o te Ture**, known as the Ministry of Justice (“the Ministry”), occupies a unique position within the structures of government. Unlike the majority of government ministries, it has functions and responsibilities across both the judicial and executive arms of government.
2. Its judicial functions and responsibilities include maintaining an efficient and effective independent judiciary, upholding and enhancing respect for the rule of law and the principles of good governance. It does this through the administration of the courts and the provision of logistic and support to the judiciary.
3. Its executive functions and responsibilities includes the development and implementation of policies giving effect to government plans in regard the law and order sector. It also includes having effective and efficient systems in place, accurate and trusted registers that are accessible to the public. The Ministry plays a leading role in the Law and Order sector of government.
4. The Ministry is headed by the Secretary who is appointed under the provisions of the Public Service Act 2009.
5. This is the third annual report of the Ministry, a practice that started in the 2012-13 financial year, and covers the 2014-15 financial year period.

Our Vision

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”*

Mission:

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 reflects its aspirations to be the number one service provider in the Law and Order sector of government.

Our Values

9. The Ministry prides itself on the following values, (RISE)

Respect –

- a. We respect and value others and their assistance and contributions towards our work
- b. We share our knowledge and experience generously with others
- c. We respect diversity and support one another

Integrity

- d. We strive to be fair, honest, transparent and impartial and take personal responsibility for our actions
- e. We strive to set high standards for ourselves
- f. We act without fear or favour
- g. We make decisions on merit

Service

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

Excellence

- k. We focus on quality and finding solutions
- l. We encourage innovation to achieve better results
- m. We aim to be efficient and effective

10. The values of the Ministry are reflective of its aspirations to be a good public service provider.

Objectives:

11. The Objectives for the Ministry in the reporting period are to;
- a. Maintain the independence of the judiciary.
 - b. Enhance respect for the rule of law.
 - c. Hold offenders accountable.
 - d. Reduce the incidence of crime and its impact on the community.
 - e. Provide an accessible, trusted, and respected judicial system.
 - f. Provide an accurate, trusted, and sustainable land information system.
 - g. Provide an accurate, trusted, and sustainable Registry and Electoral Rolls.
12. The objectives of the Ministry reflects its core functions and responsibilities within government.

Our Operations.

13. The Ministry is divided into 6 Divisions, based on its key outputs. These are; Output 1 – Court and Tribunals, Output 2 – Land Information, Output 3 – Registry, Output 4 – Prison Services, Output 5 – Probation Service, and Output 6 – Corporate Services. Outside of these Divisions is the Judiciary.

The Judiciary

14. The Judiciary is the third arm of government or the State. Its key functions are to interpret and apply the laws passed by the Parliamentary arm of the State, and to review policies developed and implemented by the Executive arm of the State. It is independent of both Parliament and the Executive.
15. The Judiciary is headed by the Chief Justice of the Cook Islands Hon Mr Thomas Crowley Weston Q.C. He is appointed in accordance with the provision of Article 49(3) and Article 52(a) of the Constitution of the Cook Islands (“the Constitution”). Annexed to this report is the Chief Justice report on the judiciary. All matters raised in that report are reflected in this report.
16. All other Judges of the Cook Islands are appointed under Article 49(3), Article 52 (b), and Article 56 of the Constitution.
17. Article 49(3) set out the requisite qualifications for becoming a Judge in the Cook Islands, while Article 52(b) deals with the appointment of Judges to the High Court of the Cook Islands. Article 56 deals with the appointment of Judges to the Appeal Court of the Cook Islands.
18. The following are the Judges of the Court of Appeal during the reporting period:
 - 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
19. The following are the Judges of the High Court of the Cook Islands during the reporting period:
 - The Right Hon Justice Sir John Hugh Williams KNZM, QC
 - The Hon Justice Christine Grice
 - The Hon Justice Colin Doherty
 - The Hon Justice Dame Judith Potter KNZM
 - The Hon Justice Patrick Savage
 - The Hon Justice Wilson Isaac
20. All Judges, including the Chief Justice, of the Court of Appeal and High Court of the Cook Islands are part timers. They attend to judicial matters in the Cook Islands when required to do so depending on their availability. Despite their part-time status, they have attended to their functions and responsibilities without failure. The Cook Islands are very fortunate to have such dedicated and committed Judges presiding in both the Court of Appeal and the High Court.
21. Beside the Judges, Article 62 of the Constitution provides for the appointment of Justices of the Peace. These are lay persons who have good standing in the community. These Justices of the Peace may sit as a single Justice of the Peace or as three Justices of the Peace depending on the applicable jurisdiction in regards the matter before the Court. The jurisdiction of single

or three Justices of the Peace are set out in section 19 and section 20 of the Judicature Act 1980-81. The exercise of those jurisdictions depends on the seriousness of the matter and the potential penalty or award set out by legislation.

22. Like the Judges, Justices of the Peace perform a vital role in the delivery of justice in the Cook Islands. The Cook Islands are very fortunate to have such a group of dedicated and committed Cook Islanders, who are willing to see that justice is applied fairly.
23. It is an important aspect of any judicial system that all those who are engaged to deliver justice must have the appropriate knowledge of the law and the skills to apply it. In that respect the Ministry is indebted to the Pacific Judicial Development Program (PJDP) for its continued support in the training and up-skilling of judicial and court officers. It also wishes to express its gratitude to the New Zealand government for its continued financial assistance of the program and the Australian Federal Court for its management of it. Annexed II is our response to the PJDP indicators.
24. The following table set out the number of training opportunities and seminars provided by the PJDP in the reporting period.

DATE	PJDP ACTIVITY	PARTICIPANTS
7-12 July 2014 Honiara Solomon Islands	Regional Lay Judicial Officer Orientation Workshop	JP Tangi Taoro (facilitator) JP Carmen Temata JP Bernice Manarangi JP Moyra McBirney
13-15 October 2014 Rarotonga Cook Islands	Cook Islands Family Violence/Youth Justice (FV/YJ) Follow-Up Visit [In-country activity]	Judge Peter Boshier Judicial, Court Officers and various Stakeholders
20-22 October 2014 Rarotonga Cook Islands	6 th National Coordinators' Leadership Workshop	JP Tangi Taoro
23-24 October 2014 Rarotonga Cook Islands	Court Annual Reporting Workshop	Claudine Henry-Anguna Nooapii Tearea Kopu Matua-Atuatika Therese Matara
23-24 October 2014 Rarotonga Cook Islands	9 th Programme Executive Committee (PEC) Meeting	JP John Kenning
9-20 February 2015 Auckland New Zealand	Regional Capacity Building Training of Trainers Workshop	Claudine Henry-Anguna Veronica Papatua
20-22 April 2015 Apia Samoa	7 th Chief Justices' Leadership Workshop	Chief Justice Tom Weston
23-24 April 2015 Apia Samoa	10 th Programme Executive Committee (PEC) Meeting	JP John Kenning

25. The PJDP was also instrumental in the establishment of the Koro Akaau process, which will be referred to later in this report.

Courts and Tribunals Division

26. The Courts and Tribunals Division is responsible for delivering Output 1 of the Ministry. Its functions and responsibilities highlight the dual role that the Ministry performs in regards the Judiciary and Executive arms of government.

27. The Division is responsible for the administration and the provision of logistical support to both the Courts and Tribunals. It is also responsible for maintaining the independence of the judiciary and enhancing respect for the rule of law.
28. The Division is headed by the Registrar of the High Court who is primarily responsible, in consultation with the Chief Justice, for the allocation and distribution of cases and matters before the courts. In maintaining the independence of the courts, the Secretary of Justice is not involved in the allocation and distribution of matters before the Court. His primary function is to ensure that there are sufficient financial resources to support the courts and judiciary.
29. The Registrar of the High Court is assisted by two Deputy Registrars of the High Court in Rarotonga and 6 other staff, and Deputy Registrars in the Outer Islands for outer islands sitting of the High Court.

The Courts

Privy Council

30. Article 59(2) of the Constitution of the Cook Islands provides a right of appeal to the Privy Council. The Privy Council which is the final Appellate Court for the Cook Islands. It is the highest Court in the court structure of the Cook Islands. It is located in London and presided over by Law Lords.
31. In the reporting period, there were no cases from the Cook Islands heard in the Privy Council. However, there are two applications for leave to appeal to the Privy Council received during the reporting period. In one of the cases, the Court of Appeal has granted conditional leave to the Appellant to appeal to the Privy Council while the other was discontinued on the notice of the Appellant.

Court of Appeal of the Cook Islands.

32. The Court of Appeal of the Cook Islands was established by Article 56 of the Cook Islands Constitution as a superior court of record. It has jurisdiction to hear and determine appeals from a judgment of the High Court of the Cook Islands. It is the second highest court in the Cook Islands.
33. The Court of Appeal is supported by the Registrar of the High Court, the Deputy Registrars of the High Court and staff of the Criminal, Civil, and Land Divisions.
34. The Court of Appeal is always scheduled to have two, one week sessions in each financial year or reporting period. In this reporting period, the Court of Appeal was convened from 17 – 21 November 2014 and 8 – 12 June 2015.
35. In the 17 – 21 November 2014, session, the Court of Appeal dealt with the following appeals:

CA No	Applicant	Respondent	Area of Law	Result
CA 4/14	Minister of Cook Islands National Superannuation Fund	Arorangi Timberland Ltd & Ors	Civil	Delivery of Decision -Successful
CA 15/14	Tuakeu Tangatapoto	Tangata Vavia & Chief Electoral Officer	Electoral	Appeal Dismissed
CA 12/14	Eugene Tatuava	Nandi Glassie & Chief Electoral Officer	Electoral	Appeal Dismissed
CA 9/14	Wilkie Rasmussen	Willie John	Electoral	Appeal Dismissed
CA 10/14	Tereapii Pihō	Henry Puna & Chief Electoral Officer	Electoral	Appeal Dismissed
CA 11/14	Kete Ioane	Mona Ioane & Chief Electoral Officer	Electoral	Appeal Successful
CA 14/14	Norman George	Vainetutai Rose Toki-Brown & Chief Electoral Officer	Electoral	Appeal Dismissed

36. Further, the President of the Court of Appeal, His Honour Justice David Williams QC, with the assistance of a Mr Bob Hawkes, delivered a lecture on Rent Review Arbitration to the members of the Cook Islands Law Society. The lecture was well attended and received by members of the Law Society.

37. In the 8 – 12 June 2015 session, the Court dealt with the following appeals:

CA No	Applicant/s	Respondent/s	Area of Law	Result
CA 2/14	Stanley Hunt & Caroline Browne	Elena Tavioni & Others	Chiefly Title	Adjourned for post-hearing submissions and decision
CA 3/14	Meremaraea Macquarie	Stanley Hunt & Others	As above	As above
CA 7/14	Elena Tavioni	Meremaraea Macquarie & Others	As above	As above
CA 8/14	The Aronga Mana o Te Au o Tonga	Stanley Hunt & Others	As above	As above
CA 16/14	Eliesa Sivarō	The Crown	Criminal	Appeal Dismissed
PC 1/15	Apex Agencies Ltd & Ors	Cook Islands Trading Corporation Ltd	Property Rental Review	Conditional Leave to Appeal to Her Majesty In Council granted
CA 18/14	Youth With A Mission	Taero Incorporation	Land	Appeal withdrawn

38. It should be noted that out of the 14 cases heard by the Appeal Court in the reporting period, 6 of them relate to electoral matters. Five of those appeals were unsuccessful and only one was successful in overturning the decision of the High Court. The other 4 relates to a chiefly title, 2 to land matters and one was a criminal appeal against conviction and sentence, which was unsuccessful. The other appeal was related to superannuation.

39. The following table set out the number of outstanding Court of Appeal cases:

Date Filed	CA No	Applicant/s	Respondent/s	Area of Law	Result
20/02/14	CA 2/14	Stanley Hunt & Caroline Hunt	Elena Tavioni & Others	Chiefly Title	The Court still deliberating
21/02/14	CA 3/14	Meremaraea Macquarie	Stanley Hunt & Others		As above
29/08/14	CA 7/14	Elena Tavioni	Meremaraea Mcquarie & Others	As above	As above
18/09/14	CA 8/14	Te Aronga Mana O Te Au O Tonga	Stanley Hunt & Others	As above	As above
13/11/14	CA 17/14	The Green Room Ltd	Landowners	Land	Appeal deemed to be abandoned
08/04/15	CA 3/15	Olivia Johnston	The Police	Criminal	For hearing on 16.11.15
15/05/15	CA 4/15	Arama Wichman		Chiefly Title	To be withdrawn

28/5/15	CA 5/15	Club Raro Ltd	The Landowners	Land	For hearing on 17/11/15 of Application for Extension of time
03/08/15	CA 7/15	Taina Timoti	The Crown	Criminal	For hearing on 16/11/15
08/10/15	CA 8/15	Popo Ben	Trainee Samson & Other	Chiefly Title	Application for leave to appeal referred to a High Court Judge for consideration
02/11/15	CA 9/15	The Green Room Ltd	Landowners	Land	For hearing on 17/11/15 of Application for Special Leave to Appeal
03/11/15	CA 10/15	Ora Fiduciary (CI) Ltd & Other	MFEM	Taxation	Application for leave to appeal referred to a High Judge for consideration

40. It is evident in the table above that the majority of outstanding appeals relate to land and chiefly title matters.

High Court of the Cook Islands,

41. The High Court of the Cook Islands is established under Article 47 of the Constitution of the Cook Islands. It is divided into three divisions namely; Criminal, Civil, and Land. It is the Cook Islands court of first instance, in the sense that all matters, whether criminal, civil, and land are commenced in this court.
42. As stated above the Registrar of the High Court, in consultation with the Chief Justice, allocate fixtures of matters to be dealt with by the Court. The Chief Justice in consultation with the Judges appoints a judge to preside over a session of the High Court. A session of the Court, subject to availability of funds, is normally for two weeks.
43. It is the practice to have the Criminal and Civil Divisions of the High Court share a session. The Land Division of the High Court has its own session.
44. The Chief Justice presides over criminal and civil cases. He also exercises a review function for land cases under section 390A of the Cook Islands Act 1915.

The Criminal Division.

45. The Criminal Division is headed by the Registrar of the High Court and supported by the Deputy Registrar of the High Court – Criminal and Civil Division and Deputy Registrars of the High Court in the Outer Islands.
46. Beside the Deputy Registrar of the High Court – Criminal and Civil Division, the Division is supported by a senior clerk and a clerk. In essence there are only three staff servicing the Criminal and Civil Division of the High Court on Rarotonga and one on each of the Outer Islands.
47. In the reporting period the Criminal and Civil Division of the High Court, presided over by a Judge, was convened during the following times:

Date	Duration	Presiding Judge	Division
14-25 July '14	2 weeks	Justice Doherty	Criminal/Civil
1-5 September '14	1 week – Special Sitting	Justice H. Williams	Electoral
8-12 September '14	1 week – Special Sitting	Justice Weston CJ	Electoral

15-26 September '14	2 weeks -	Justice Weston CJ	Criminal/Civil
24 Nov – 5 Dec '14	2 weeks	Justice Grice	Criminal/Civil
15 – 18 Dec '14	1 week – Special Sitting	Justice H. Williams	Electoral
9-20 March '15	2 weeks	Justice H. Williams	Criminal/Civil
18-29 May '15	2 weeks	Justice J. Potter	Criminal/Civil

48. As set out in the table above, there were three special sittings of the Criminal and Civil Division and this was to cater for electoral petitions following the General Election on the 9th July 2014.

49. In a session of the Criminal and Civil Division of the High Court, it is the practice to deal with criminal matters in the first week followed by civil matters. Each session normally starts with a jury trial.

50. The following table set out the number of jury trials held during the reporting period:

Date of Hearing	CRN	Charge	Result
14-16/07/14	108/13	Theft as a servant	Guilty on a lesser amount and not as originally charged
15-18/09/14	320-323/13	Rape	Guilty on 2 charges and Not Guilty on the others
24-26/12/14	313-316/13	Rape (2), Indecent assault, Indecent act	Guilty
09/03/15-11/03/15	255/13	Rape	Not Guilty
18/05/15-21/05/15	204/13 & 254/13	Burglary (2)	Guilty

51. The following table shows the number of outstanding jury trials at the end of the reporting period:

CRN	Offence	Status
325-330/13	Dangerous Driving causing death (x3), Vehicular manslaughter (x3)	On 06/07/15: Pleded Guilty to dangerous driving causing death and vehicular manslaughter were withdrawn
611-612/13	Possession of cannabis & Possession of utensils	On 06/07/15; Found Guilty
13/13	Possession of bong	On 08/07/15: Pleded Guilty
540/14 & 692-693/14	Careless driving causing injury, EBA, Failing to stop	On 23/07/15: CR 540/14 & 693/14 withdrawn. Pleded Guilty on CR 692/14
179/14	Careless driving causing injury	On 20/07/15: Pleded Guilty
704 & 706/14	Cultivation of cannabis & Possession of utensil	For trial on 23/11/ 2015
644-645/14	Threatening to kill & Wounding with intent to cause grievous bodily harm	On 09/09/15: Pleded Guilty
69/15	Arson	Date yet to be fixed
70/15	Careless driving causing bodily injury	On 21/09/15: Found Guilty
718/14	Theft as a servant	Standby trial in November 2015
542/14	Careless driving causing injury	On 09/09/15: Pleded Guilty
543/13	Vehicular manslaughter	On 16/09/15: Found Not Guilty
239/14, 287-293/14	Kidnapping, sexual offences (6), threatening to kill	On 29/10/15 CR 290/15 – Indecent assault and CR 292/14 – Threatening to kill, withdrawn and pleded Guilty to the rest.
237-238/14, 240-246/14	Theft as a servant	Date yet to be fixed
245-255/14	Theft as a servant	Date yet to be fixed

52. The number of outstanding cases within the court system has been reduced significantly, from 97 cases on 19 August 2013 to only 45 in the reporting period. Of the 45 outstanding cases in

the reporting period, 38 of them relates to breaches of the Superannuation Act 2009. Those cases are awaiting the outcome of an appeal to the Privy Council against the decision of the Court of Appeal.

53. Beside hearings presided by a judge, weekly sittings presided by a single Justice of the Peace are also scheduled. Sittings presided by three Justices of the Peace are held on a monthly basis.
54. The following table shows the number of days the criminal and civil division of the court was convened. It also shows the number of days according to the jurisdiction of the person presiding over the proceedings.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Judge*	10		20		5	10			10		10		65
Single JP	6	12	7	11	6	9	7	14	11	12	4	8	107
Three JP	1	1	1	1	2	1	1	4	3	1		3	19

*includes Judge and Jury trial days.

55. When not presiding over matters in Court, the Judges undertake other judicial duties, like judicial settlement conferences calls, writing up reserve judgments and delivering reserve judgments etc. They also attend to interlocutory applications when required. It goes without saying that the Judges are busy during each session as they try their best to deal with judicial business in the time they have in the Cook Islands. Despite their best efforts, they always take judicial businesses with them to New Zealand for completion.
56. The following table shows the total number of criminal information filed in each month during the reporting period compared previous reporting periods;

Reporting Period	Number of information filed per month in the Criminal Division of the High Court												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
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
2014-2015	55	142	57	89	52	61	31	52	71	58	45	47	760

57. It is evident from the above table that the total number of information filed in the criminal division of the High Court is on the increase.
58. The following table set out the number of criminal information filed each month relating to specific offences in the reporting period. It also provides a comparison with previous reporting periods.

	Specific information/charge filed in the Court													Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
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	
2014-15	8	-	-	-	8	4	2	1	4	2	6	2	37	
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
2014-15	2	-	3	3	-	3	1	1	2	-	3	3	21
Theft as a Servant													
2012-13	3	2	-	2	-	-	-	-	4	-	3	3	17
2013-14		6	-	1	-	-	-	-	-	-	3	-	10
2014-15	-	-	-	2	-	2	-	2	-	1	-	-	7
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
2014-15	-	-	-	2	-	2	-	2	-	1	-	-	7
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
2014-15	2	-	2	2	8	4	4	1	3	5	7	4	42
Cultivation Cannabis													
2012-13	-	-	1	-	2	1	-	-	-	-	-	-	4
2013-14	-	-	-	-	-	1	-	-	-	-	-	-	1
2014-15	-	-	-	-	2	-	-	-	-	-	-	-	2
Possession/Use of Cannabis													
2012-13	1	1	2	-	-	2	-	2	1	2	2	-	13
2013-14	1	-	1	1	1	-	-	-	-	-	-	-	4
2014-15	-	-	-	1	2	1	-	3	1	-	-	-	8
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
2014-15	10	-	24	54	12	17	6	7	12	16	5	3	166
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
2014-2015	1	-	6	2	2	-	2	2	2	-	-	2	19
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
2014-15	2	-	3	4	1	2	4	5	4	3	2	-	30

59. While there has been a slight drop in the number of information relating to burglary, theft, theft as a servant, common assault and assault on female, there is an increase in the number of information relating to possession of cannabis, excess breath/alcohol and driving while disqualified.
60. The increase in the number of driving related offences is a concern, particularly with regard to EBA and driving while disqualified. There is a need to introduce a minimum imprisonment term in regard to subsequent offending for EBA, and driving while disqualified offences.
61. The following table look at the total number of information dealt with by the court in each month. These include adjourned information from previous months or reporting periods. The tables also provides a comparison with other reporting periods;

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													
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
2014-15													
Current	55	135	57	89	52	61	31	52	71	58	45	47	753

Previous	123	264	240	197	134	99	111	71	155	112	123	80	1709
Total	178	399	297	286	186	160	142	123	226	170	168	127	2462

62. The total number of information heard in the Court in each month equates to more than 30 cases per week.

63. The following table set out how matters were dealt with by the Court.

How matters are dealt with by the Court										
	Total	Adjourn	Withdrawn	Dismiss	Section 113	Discharge without Conviction	Convicted and Discharge	Fined	Probation	Custody
Jul										
Current	55	41	2	-	-	-	-	11	1	-
Previous	123	112	1	1	-	-	-	7	2	-
Aug										
Current	135	115	-	-	-	1	-	12	7	-
Previous	264	231	1	-	1	-	-	13	12	6
Sep										
Current	57	25	1	-	-	-	-	24	6	1
Previous	240	178	4	-	2	1	1	2	22	30
Oct										
Current	89	36	-	-	1	1	-	40	5	2
Previous	197	79	97	-	1	-	-	10	10	-
Nov										
Current	52	43	-	-	-	-	-	7	-	2
Previous	134	107	3	2	1	-	-	5	6	10
Dec										
Current	61	46	-	-	-	-	-	11	-	3
Previous	99	75	-	2	1	-	1	5	-	11
Jan										
Current	31	17	-	-	-	-	-	12	1	1
Previous	111	94	9	-	1	1	-	4	2	-
Feb										
Current	52	38	2	-	-	-	-	12	-	-
Previous	71	57	4	2	1	-	-	-	2	-
Mar										
Current	71	54	1	-	-	-	1	14	1	-
Previous	155	76	35	6	3	-	-	8	15	12
Apr										
Current	58	36	1	-	-	1	-	17	3	-
Previous	112	80	10	2	2	-	-	9	5	3
May										
Current	45	39	-	-	-	-	-	6	-	-
Previous	123	84	12	1	3	3	-	14	2	2
Jun										
Current	47	38	-	-	-	-	-	7	2	-
Previous	80	59	3	2	1	-	-	9	6	-

64. The following table set out the total number of information before the court each month and the total number adjourned or cleared.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of information per month	178	399	297	286	186	160	142	123	226	170	168	127	2462
Total number adjourned	153	346	203	115	150	121	111	95	130	116	123	97	1760
Total Number cleared	25	53	94	171	36	39	31	28	96	54	45	30	702

65. The large number of adjourned cases is indicative of matters beyond the control of the staff and does affect case management processes. Efforts are being made to reduce the number of adjournments through better case management.
66. The following table shows the number of persons appearing in court each month for criminal offences. It also differentiate between first and previous appearances:

Number of persons that appeared before the Court each month													
Period	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Number of persons appearing before the Court													
2013-14	45	43	70	66	26	29	26	40	30	47	35	37	494
2014-15	36	35	49	76	34	48	31	52	44	52	29	45	531
No. of males													
2013-14	40	39	61	47	24	25	21	34	26	42	31	36	426
2014-15	30	32	41	65	30	38	29	36	41	48	29	37	456
No. of females													
2013-14	5	4	9	19	2	4	5	6	4	5	4	1	68
2014-15	6	3	8	11	4	10	2	16	3	4	-	8	75
Has previously appeared													
2013-14	28	21	28	21	19	19	14	39	18	22	24	18	271
2014-15	19	16	21	31	23	23	22	23	22	23	24	26	273
First appearance before the Court													
2013-14	17	22	42	45	7	10	12	1	12	25	11	19	223
2014-15	17	19	28	45	11	25	9	29	22	29	5	19	258

67. The number of males appearing in the courts is very high compared to the number of females appearing in the courts. While the number of first time offenders is high, about 48.58%, the majority of them are for violation of transportation laws.
68. The following table set out the area of residence of people appearing before the Court, compared with previous 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													
2013-14	21	16	36	27	10	12	11	14	10	23	15	19	214
2014-15	20	20	18	28	29	27	14	23	16	21	20	16	252
Puaikura													
2013-14	13	14	17	18	4	11	7	15	9	7	10	9	134
2014-15	7	7	13	25	14	12	6	20	14	13	5	11	147
Takitumu													
2013-14	10	10	17	21	12	6	6	10	8	17	6	8	131
2014-15	7	8	16	22	8	9	11	9	13	16	4	18	141
Aitutaki													
2013-14	1	1	-	-	-	-	1	-	1	-	3	1	8
2014-15	1	-	1	1	-	-	-	-	-	-	-	-	3
Atiu													
2013-14	-	1	-	-	-	-	-	1	-	-	-	-	2

2014-15	-	-	-	-	-	-	-	-	-	-	-	-	-
Mauke													
2013-14	-	-	-	-	-	-	1	-	-	-	-	-	1
2014-15	-	-	-	-	-	-	-	-	-	1	-	-	1
Mitiaro													
2013-14	-	-	-	-	-	-	-	-	2	-	1	-	3
2014-15	1	-	-	-	-	-	-	-	-	-	-	-	1
Visitors													
2013-14	-	1	-	-	-	-	-	-	-	-	-	-	1
2014-15	-	1	-	1	-	-	-	-	1	1	-	-	4
Total													
2013-14	45	43	70	66	26	29	26	40	30	47	35	37	494
2014-15	36	35	49	76	52	48	31	52	44	52	29	45	531

69. The majority of offenders come from the Te Au o Tonga area. Te Au o Tonga is the business district for Rarotonga and where government premises are located.

70. The following table set out the age groups of people appearing before the Court:

Age Group	Number of persons appearing before the Court												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
16-20	10	11	9	12	6	4	14	7	5	11	7*	22	118
Male	9	10	7	10	5	2	13	6	5	10	7	18	102
Female	1	1	2	2	1	2	1	1	-	1	-	4	16
21-30	15	10	18	33	9	16	13	32	22	18	14	11	211
Male	11	10	15	29	7	11	10	24	20	15	14	9	175
Female	4	-	3	4	2	5	3	8	2	3	-	2	36
31-40	5	8	13	15	12	19	3	8	7	11	4	5	110
Male	4	7	10	13	12	17	3	4	7	11	4	4	96
Female	1	1	3	2	-	2	-	4	-	-	-	1	14
41-50	2	2	5	10	3	7	-	2	5	9	4	3	52
Male	2	1	5	8	3	6	-	1	5	9	4	2	46
Female	-	1	-	2	-	1	-	1	-	-	-	1	6
51 >	4	4	4	6	4	2	1	3	5	3	-	4	40
Male	4	4	4	5	3	2	1	1	4	3	-	4	35
Female	-	-	-	1	1	-	-	2	1	-	-	-	5

*includes two juvenile under the ages of 16 years.

71. The majority of persons appearing before the Court come from the 16 – 30 age groups. These are young men and women in their prime. It equates to about 62% of the total number of person appearing before the Criminal Division of the High Court. Of this 62%, 52% were young men and the rest young women.

72. The following table set out the amount of fines and court costs imposed by the Court in the reporting period:

Amount of fines and costs imposed by the Court and collected by the Ministry													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Fines Imposed	3300	3410	5120	12640	3540	4340	5410	1300	5170	3180	7930	2110	57450
Costs Imposed	450	600	1280	1530	510	510	750	390	810	660	630	390	8510
Total	3750	4010	6400	14170	4050	4850	6160	1690	5980	3840	8560	2500	65960
Fines Collected	3330	3200	4810	7940	2080	3240	2600	820	3690	1520	3240	640	37110
Costs Collected	420	510	1160	990	420	420	420	210	360	300	330	240	5780
Total	3750	3710	5970	8930	2500	3660	3020	1030	4050	1820	3570	880	42890

73. As a Ministry that relies on trading revenue for funding of its operations, the collection of fines and court costs, particularly court costs, is important in assisting the operations of the Ministry. In the reporting period the amount of court cost collected in the reporting period is approximately 68% of the total court cost imposed. The reason for the low collection is attributable to the lack of personnel and transportation in this area.
74. The increased number of court sittings, has meant that current staff are unable to attend to collection of fines and enforcing orders. Further, those who are fined by the Courts are reluctant to pay their fines until served with a Warrant of Commitment. Unfortunately the Ministry do not have sufficient staff that can be called from other Divisions to served Warrant of Commitment hence the need for the employment of a bailiff within the Court and Tribunal Division to serve and enforce court orders.
75. The increase in the number of court sittings, while providing access to the courts and providing for the early determination of matters before the courts, means that the costs associated with it are forever increasing.
76. In the reporting period, and in response to the high costs of taking the court to the outer islands, the Ministry introduced “skyped hearings” which has assisted the Ministry in lowering the costs of providing access to justice and having matters addressed as early as possible. This innovative approach is a work in progress that the Ministry will continue to examine in providing quality justice to the Cook Islands as a whole.
77. Besides providing support and logistics to the judiciary, the Section is also responsible for the management of the Law Trust Account. The Law Trust Account is a trust account set up to receive and pay out to beneficiaries any reparation or compensation ordered by the Court. The following table set out the amount of funds paid into the account.

	Jul	Aug	Sep	Oct	Nov	Dec	Total
Reparations Imposed	3,450.00	1,476.50	7397.00	4,026.97	650.00	1,630.00	6,306.97
Outstanding Reparations	4,341.00	22,304.00	17,800.45	13,234.50	16,106.25	14,380.00	43,720.75
Total	7,791.00	23,780.00	25,197.45	17,261.47	16,756.25	16,010.00	50,027.72
Reparation Received	-	170.00	100.00	20.00	150.00	250.00	420.00
Previous Months Reparation	1,417.75	1,440.00	2,960.00	1,779.00	1,461.50	1,161.00	4,401.50
Total	1,417.75	1,610.00	3060.00	1,799.00	1,611.50	1,411.00	4,821.50
Reparation Paid Out	200.00	1,837.00	1,712.75	1,300.00	920.00	1,001.00	3,221.00

	Jan	Feb	Mar	Apr	May	Jun	Total
Reparations Impose	170.00	40.00	21,619.75	300.00	-	900.00	23,029.75
Outstanding Reparations	19,590.00	15,100.00	15,601.17	16,418.17	18,145.00	8,985.00	93,839.34
Total	19,760.00	15,140.00	37,220.92	16,718.17	18,145.00	9,885.00	116,869.09
Reparation Received	20.00	20.00	15,000.00	-	-	-	15,040.00
Outstanding Reparations received	1,256.00	1,290.00	1,125.00	700.00	1,320.00	510.00	6,201.00
Total	1,276.00	1,310.00	16,125.00	700.00	1,320.00	510.00	21,241.00

Reparation Paid Out.	-	1,140.00	-	-	605.00	-	1,745.00
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78. Like the collection of fines and court costs, this area of the operation of the Division is affected by the lack of resources. There is a lack of follow up to ensure that those ordered by the Court to pay compensation do so in accordance with the order of the court. In some instances people have left the country without complying with court orders.

The Civil Division

79. The Civil Division is staffed by the same group of staff responsible for the operations of the Criminal Division. Their primary function is to provide support and logistics to the judiciary and ensure that the Civil Division of the High Court operates in an efficient and effective manner.

80. The following table set out the number of civil actions filed in the reporting period compared with the previous reporting period:

Period	Total number of civil actions filed in each reporting period												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
2013-14	12	6	6	22	15	13	10	12	14	6	10	6	132
2014-15	28	13	19	24	11	7	15	7	12	13	14	10	173

81. It is evident from the table that there is an increase in the number of actions filed in the Civil Division of High Court compared to the last reporting period.

82. The following table set out specific actions filed in the Court with comparison to previous reporting periods, where possible:

Period	Number of specific actions filed in a reporting period												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Plaint or Claim													
2012-13	2	2	-	2	1	1	3	3	2	1	2	1	20
2013-14	2	2	-	-	4	1	4	3	22	-	2	1	21
2014-15	2	3	1	1	1	1	3	3	2	2	-	1	20
Company Re-instatement													
2013-14	-	1	1	1	1	-	1	-	3	1	3	-	12
2014-15	1	-	1	1	2	-	2	-	-	1	-	2	10
Divorce													
2012-13	1	-	-	1	2	-	2	1	3	1	2	-	13
2013-14	1	-	1	1	2	3	2	-	-	1	-	-	11
2014-15	-	2	1	4	1	-	-	-	-	1	-	1	10
Custody of Child													
2014-15	-	-	-	-	-	1	1	-	1	1	-	1	5
Non-Molestation													
2013-14	-	2	-	1	1	1	-	1	-	-	-	-	6
2014-15	1	1	-	-	-	-	1	1	-	-	2	3	9

83. The following table set out the manner in which these matters 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	7	1	3	8	4	3	6	2	6	7	5	7	59	
Withdrawn	1	-	-	-	-	-	-	-	-	-	-	-	1	
Minute issued by Court	-	-	7	1	-	-	-	-	-	-	-	-	8	
Judgement entered	-	-	1	-	-	-	-	-	-	-	-	-	1	
Application refused	-	1	-	-	-	-	-	-	-	1	-	-	2	
Dismissed	-	-	-	-	-	-	-	-	-	-	1	-	1	
Struck out	-	-	-	-	-	-	-	-	-	-	-	-	-	
Company reinstated	1	-	-	-	-	-	-	-	-	-	-	-	1	
Adjourned	-	-	-	-	-	-	2	-	-	-	-	-	2	
Awaiting Fixture	12	3	2	1	3	-	3	3	3	3	3	1	37	
Awaiting Report	-	-	-	-	-	-	-	-	-	-	1	-	1	
Awaiting proof of service	-	2	1	2	1	1	-	-	-	1	-	-	8	
Leave to appeal yet to be considered	-	2	-	-	-	-	-	-	-	-	-	-	2	
Leave to Appeal granted	-	-	-	-	-	-	1	-	-	-	-	-	1	
Awaiting Court Decision	1	1	1	11	1	1	-	-	1	-	-	1	18	
Probate Resealed	-	-	-	-	-	-	2	-	-	-	-	-	2	
Awaiting further report	-	-	-	-	1	1	-	1	-	1	1	-	5	
Inquest unnecessary	6	3	4	1	1	1	2	1	2	1	3	1	26	
TOTAL	28	13	19	24	11	7	15	7	12	13	14	10	173	

84. The following table set out the number of matters from previous months or reporting periods;

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	1	-	1	-	-	-	-	-	9	-	1	-	12
Winding up	-	-	-	-	-	1	-	-	-	-	-	-	1
Company re-instatement	1	-	-	-	1	-	-	-	-	-	-	-	2
Interim injunction	1	-	-	-	1	-	-	-	-	-	-	-	2
Divorce	-	-	2	-	-	1	-	-	4	-	3	-	10
Custody of Minor	-	-	-	-	1	-	-	-	-	-	-	-	1
Maintenance	-	-	-	-	-	-	-	-	-	1	-	-	1
Ex-parte application for entry of judgement	-	-	-	-	-	-	1	-	-	-	-	-	1
Non-molestation	-	-	-	-	1	1	-	-	1	-	1	-	4
Matrimonial Property	-	-	-	-	-	-	1	-	-	-	-	-	1
Originating Applications	-	-	-	-	-	-	-	-	1	-	-	-	1
Probate	-	-	3	-	-	-	-	-	-	-	-	-	3
Letters of Administration	-	-	-	1	-	-	-	-	1	-	-	-	2
PC Appeal	-	-	-	-	-	-	-	-	-	-	-	1	1
Appeal to Court of Appeal	-	-	-	-	10	-	-	-	-	-	-	6	16
Extension of time to Appeal	-	-	-	1	-	-	-	-	-	-	-	-	1
Request for information	-	-	-	-	-	-	-	-	-	-	1	-	1
Case stated	-	-	1	-	-	-	-	-	-	-	-	-	1
Electoral	-	-	-	-	-	2	-	-	1	-	-	-	3
Garnishee Summons	-	-	1	-	1	-	-	-	-	-	-	-	2
Electoral - Petition	-	-	7	-	-	-	-	-	-	-	-	-	7
Electoral – appeal against decision of Electoral Official	-	-	1	-	-	-	-	-	-	-	-	-	1

Inquest	-	-	-	-	-	-	-	-	-	-	-	-	1	1
Total	3	-	16	2	15	5	2	-	17	1	6	8	8	75

85. The following table set out the total number of actions dealt with by the Court in each month, including those from previous months and reporting periods.

Status of action	Total Number of actions heard in the Civil Division of the High Court each month												Total
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
2013-14 Reporting Period													
Current	12	6	6	22	15	13	10	12	14	6	10	6	132
Previous	10	7	7	-	16	8	3	6	14	2	8	3	84
Total	22	13	13	22	31	21	13	18	28	8	18	9	216
2014-15 Reporting Period													
Current	28	13	19	24	11	7	15	7	12	13	14	10	173
Previous	3	-	16	2	15	5	2	-	17	1	6	8	75
Total	31	13	35	26	26	12	17	7	29	14	20	18	248

86. Included in previous cases, are cases relating to the international trust area. At the end of the reporting period there were eight (8) international trust cases before the court. The oldest one being filed on the 10th December 2004 the latest is on the 2nd September 2015.

87. The inter-jurisdictional issues surrounding these cases can be complex and will have an impact on the capacity and capability of the Ministry and the Judiciary to deal with it. Further, delays in dealing with them are inevitable as our courts frequently have to await the outcome of overseas courts before dealing with the cases or vice versa.

88. The following table set out how previous 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	1	-	6	1	4	1	1	-	10	1	4	-	29	
Withdrawn	-	-	1	-	1	-	-	-	1	-	1	1	5	
Dismissed	-	-	5	-	-	2	-	-	2	-	-	1	10	
Interim order discharged	-	-	-	-	-	1	-	-	-	-	-	-	1	
Adjourned	-	-	-	-	-	-	-	-	1	-	-	-	1	
Discontinued	1	-	-	-	-	-	1	-	3	-	-	1	6	
Appeal Allowed	-	-	1	-	3	-	-	-	-	-	-	-	4	
Appeal Dismissed	-	-	-	-	5	-	-	-	-	-	-	-	5	
Leave to appeal granted	-	-	-	1	2	-	-	-	-	-	-	1	4	
Further submissions required	-	-	2	-	-	-	-	-	-	-	-	4	6	
Awaiting Fixture	-	-	1	-	-	-	-	-	-	-	-	-	1	
JSC completed	-	-	-	-	-	-	-	-	-	-	1	-	1	
Proceedings terminated	1	-	-	-	-	-	-	-	-	-	-	-	1	
Election void. By-election ordered	-	-	-	-	-	1	-	-	-	-	-	-	1	
Total	3	-	16	2	15	5	2	-	17	1	6	8	75	

89. The following table set out the amount of fees collected by the Civil Division of the High Court during the reporting period:

Total amount of fees collected by the Civil Division												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Amount	10,196	435	570	1,265	610	480	520	270	450	390	400	315

90. The increase in fees for July 2014 is a result of electoral petitions filed in the Civil Division of the High Court.

The Land Court Division.

91. The Land Court Division is headed by the Registrar of the High Court supported by a Deputy Registrar of the Land Division of the High Court, on Rarotonga, and the Deputy Registrars of the High Court in the Outer Islands.
92. Beside the Deputy Registrar of the Land Division of the High Court on Rarotonga, there are two senior clerks and two clerks to support the functions and responsibilities of the Land Court Division. A key function of the Section is to provide support to the judiciary and to make sure that the Land Division of the High Court operates in an efficient and effective manner.
93. The following table set out the total number of applications received by the Land Division of the High Court in the reporting period.

Period	Total number of applications received by the Land Division in the reporting period												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
2013-14	58	94	138	32	55	59	95	92	74	78	97	60	932
2014-15	68	80	236	55	89	36	41	78	85	57	107	57	989

94. The increase in the number of applications received by the Land Division of the High Court is as a result of more people trying to secure land either for private or commercial purposes.
95. The following table provides a breakdown of the total number of applications received by the Land Division of the High Court for lands on Rarotonga, Aitutaki, Mauke, Atiu and Penrhyn in the reporting period and the previous reporting period.

Period	Total number of applications received by the Land Division												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Rarotonga													
2013-14	46	48	77	27	43	45	80	75	46	43	68	41	639
2014-15	41	42	123	38	71	25	28	55	54	46	82	41	646
Aitutaki													
2013-14	12	42	58	5	10	14	11	12	27	31	29	18	269
2014-15	25	34	104	13	15	11	11	19	25	11	20	16	304
Atiu													
2013-14	-	4	3	-	2	-	1	2	-	2	-	1	15
2014-15	2	1	9	3	2	-	2	3	5	-	4	-	31
Mauke													
2013-14	-	-	-	-	-	-	3	3	1	2	-	-	9
2014-15	-	3	-	-	1	-	-	1	1	-	-	-	6
Penrhyn													
2013-14	-	-	-	-	-	-	-	-	-	-	-	-	-
2014-15	-	-	-	1	-	-	-	-	-	-	1	-	2

96. The majority of applications received by the Land Division are for Rarotonga, Aitutaki and Atiu lands. This is reflective of the economic development on those islands.
97. The following table compares the total number of applications received in specific matters compared with previous reporting periods;

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
2014-15	36	48	95	27	19	20	42	35	12	12	53	28	427
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
2014-15	9	10	52	8	4	10	10	13	9	9	14	10	158
Section 390A Review													
2012-13	-	1	1	2	1	2	3	-	-	-	-	-	10
2013-14	-	2	1	-	3	-	-	-	-	-	-	-	6
2014-15	2	-	-	-	-	1	-	-	2	-	2	3	10
Partitions													
2012-13	4	-	2	1	1	-	-	1	11	1	1	-	22
2013-14	-	-	3	-	-	-	2	1	3	-	1	4	14
2014-15	-	1	3	2	-	-	2	-	1	1	-	-	10
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
2014-15	7	11	37	1	4	1	-	7	7	7	13	2	97
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
2014-15	2	-	-	2	1	1	-	-	2	-	1	2	11

98. The following table set out the total number of applications, including applications from previous months received and held by the Land Division:

Period	Total number of applications received and held by the Land Division												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Current	68	80	236	55	89	36	41	78	85	57	107	57	989
Previous	15	12	40	-	6	3	-	2	18	5	15	7	123
Total	83	92	276	55	95	39	41	80	103	62	122	64	1,112

99. The increase in the total number of applications received by the Land Division highlights the need for more sittings of the Land Division of the High Court in order to reduce the number of applications that are yet to be processed through the Court.
100. It is only in exceptional circumstances that the Land Division is convened and presided over by a Justice of the Peace. The impact of this is that the Land Division when presided over by a Judge of the High Court is dealing with matters that are within the jurisdiction of a Justice of the Peace.
101. The following table set out the total number of applications heard by the Court during the reporting period:

	Total number of applications heard by the Land Division												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Rarotonga	-	14	6	176	7	234	-	2	4	2	198	177	820
Aitutaki	-	-	-	368	-	-	-	-	-	-	-	-	368
Total	-	14	6	544	7	234	-	2	4	2	198	177	1,188

102. The months with the highest numbers are when the Land Court was convened to hear applications. In the reporting period the Court had travelled to Aitutaki to deal with land applications in Aitutaki.
103. As seen in the table above land matters on other islands is yet to be addressed. This is a resource issue and the Ministry will be seeking funding for land court sittings in the Outer Islands.
104. The following table set out the manner in which these applications were dealt with by the Court.

Decisions	Total number of applications received and held by the Land Division												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Ordered	-	14	6	429	5	209	-	2	3	2	91	139	900
Dismissed/Withdrawn	-	-	-	7	1	-	-	-	-	-	7	7	22
Adjourned	-	-	-	95	1	25	-	-	1	-	90	31	243
Date to be set	-	-	-	13	-	-	-	-	-	-	-	-	13
Reserve Decision	-	-	-	-	-	-	-	-	-	-	10	-	10
Total		14	6	544	7	234	-	2	4	2	198	177	1,188

105. The large number of adjournments are due to no appearance by the applicants and also non-compliance with procedures and processes.
106. The availability of transcripts of previous proceedings is also a factor in the number of adjournments in the Land Division of the High Court.
107. The following table set out the amount of fees received by the Land Division of the High Court in the reporting period.

Months	Islands						Total
	Rarotonga	Aitutaki	Atiu	Mauke	Mangaia	Penryhn	
Jul	3,982.00	1,300.00	116.00	-	-	-	5,398.00
Aug	4,993.60	2,180.00	86.00	212.00	-	-	7,471.60
Sep	11,074.30	6,392.00	401.00	-	-	-	17,867.30
Oct	5,054.90	838.00	168.00	-	-	56.00	6,116.90
Nov	7,219.50	872.00	112.00	86.00	-	-	8,289.50
Dec	3,189.90	628.00	-	-	-	-	3,817.90
Jan	4,813.10	624.00	112.00	-	-	-	5,549.10
00Feb	5,799.20	1,325.00	248.00	56.00	-	-	7,428.20
Mar	5,781.10	1,536.00	284.00	66.00	-	-	7,667.10
Apr	5,177.60	637.00	-	-	-	-	5,814.60
May	6,703.10	1,156.00	258.00	-	56.00	-	8,173.10
Jun	4,177.30	1,016.00	-	-	-	-	5,193.30
Total	67,965.60	18,504.00	1,785.00	420.00	56.00	56.00	88,786.60

108. The cost for an application for a land matter is \$56.00. The Ministry are aware of the costs involved and have allowed for an application dealing with five (5) pieces of land to be dealt with as a single application.

Stenographer's Section.

109. The Stenographers Section is an important part of the operations of the High Court of the Cook Islands. The Section is responsible for providing to the court and persons appearing before the court the transcripts of the proceedings. These have to be provided in a timely

manner and all transcripts must be an accurate record of the proceedings. Any delays or errors in the transcripts can affect the expeditious determination of any case before the court.

110. The Ministry currently employs two stenographers to transcribe the recordings of proceedings in the High Court. The timely availability of transcripts in the Criminal and Civil Division of the High Court is easily met by the two stenographers. The problem is trying to meet the demands for transcripts in regard to proceedings in the Land Division of the High Court.
111. The following table set out the number of transcripts required in the Criminal and Civil Division of the High Court.

Number of transcripts required, completed and total pages typed per month													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
No required	1	2	7	3	-	2	-	-	3	2	1	1	22
No Completed	1	2	4	3	-	2	-	-	1	2	1	1	17
No carried forward	-	-	3	-	-	-	-	-	2	-	-	-	5
Total Pages typed	455	80	572	325	156	302	-	-	127	160	170	275	2297
Minutes, Judgements, Sentencing, etc	29	8	34	3	12	7	-	2	14	3	30	-	142
Total pages	275	40	302	12	200	74	-	6	65	41	53	-	1068

112. The number of transcript carried forward is very small. In the reporting period all transcripts from the Criminal and Civil Division have been transcribed.
113. The following table set out the total number of transcripts required, completed and carried forward in the Land Division of the High Court.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
No required	-	-	-	591	591	178	544	294	144	144	88	231	2805
No Completed	201	30	25	58	150	75	250	150	-	56	-	29	1024
No carried forward	-	-	-	533	441	103	294	144	144	88	88	202	2037
Minutes, Directions etc	-	-	-	-	-	-	-	-	-	-	9	1	10
Total No of pages	392	98	63	105	298	112	501	385	-	127	-	85	2166

114. The high number of matters before the Land Division of the High Court makes it difficult for the Stenographers to complete the transcripts on time. As seen from the table above a large number of cases are carried forward and at the end of the reporting period a large number is still yet to be transcribed.
115. It is evident from the huge number of transcripts carried into the next reporting period that the two stenographers are not coping with the demand for transcripts, particularly for land court hearings. This issue is made worse by the fact that there are still tapes and recordings of land court hearings dating back to 2003 that are yet to be transcribed.
116. The Ministry, where resources are available, are addressing this issue with the employment of a third stenographer on a casual basis.

117. In the past, the stenographer was only tasked to transcribe the decisions of the Land Division of the High Court and not the whole proceedings. This in the end has contributed to the backlog of transcripts dating back to 2003 that the Ministry is trying to transcribe.
118. The failure not to transcribe the whole proceedings, in proceedings before the Land Division of the High Court, makes it difficult for the Court and the parties before the Court to fully appreciate what was said in previous hearing/s of matters the subject of a Section 390A of the Cook Islands Act 1915 application.
119. Section 390A of the Cook Islands Act 1915 provides the Chief Justice with the power to review earlier decisions in regard land matters. The availability of the transcripts of earlier decisions greatly assists the court and parties in reviewing what transpired in earlier proceedings.

The Children's Court

120. The Children's Court is established as a Division of the High Court of the Cook Islands under section 19 of the Prevention of Juvenile Crimes Act 1968. Its jurisdiction is limited to those young persons over the age of 14 years and under the age of 16 years.
121. The following table set out the number of complaints filed in the Children's Court in the reporting period compared to previous reporting periods:

Number of complaints 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
2014-15	-	-	4	8	-	1	1	3	-	4	16	2	37

122. The slight rise in the number of complaints in the Children's Court highlights the need for resources to deal with young people offending.

Te Koro Akaau

123. As a response to concerns about the number of young person being involved in criminal activities, the Ministry launched the Koro Akaau (The Enclosure of Resolving Matters). This is a process within the Children Court, modelled on the New Zealand Pasifica or Rangatahi Court. It was launched on the 25 September 2015.
124. A key element of the Koro Akaau concept is the introduction of the Uipaanga Kopu Tangata (Meeting of the Family). This meeting involves the nuclear and extended families of the child, the traditional leaders of the village/island, key leaders of the community including church leaders. The complainant may also involve themselves in this meeting. The underlying principle is that the community should participate in resolving the complaint.
125. The main function of the meeting is to discuss the complaint and design a plan that will provide the best solution to be followed by the child or young person in correcting the wrong. The

inclusive nature of the process, through the Uipaanga Kopu Tangata enables the participation of community leaders with the family in resolving the matter.

126. The Koro Akaau is designed to sit in the villages rather than the Court House at Avarua. Unfortunately, due to a lack of resources, the Koro Akaau has not really taken off as intended. However some of the processes and philosophy associated with Te Koro Akaau have been carried into the operations of the Children’s Court.

The Coroner’s Court

127. The Coroner’s Court is a specialist court presided over by a Coroner, appointed under section 2 of the Coroners Act 1979-80. 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”*.
128. The current Coroners on Rarotonga are Mr Nooapii Tearea and Mr John Kenning JP. In the case of the Outer Islands, Justices of the Peace on the island exercise the functions of the Coroner.
129. The following table set out the number of deaths reported to the Coroner in the reporting period:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Number of deaths	6	3	4	1	1	1	2	2	3	1	4	1	29

130. In the reporting period the Coroner, upon application, authorised the burials at sea. This has created some concern within the community. This may be a matter to be addressed by the government.

Tribunals

- (a). Leases Approval Tribunal (“LAT”)

131. The Leases Approval Tribunal (“LAT”), is established under 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.”*
132. In the reporting period, the LAT dealt with the following number of applications:

Type of Lease	Number of Applications received by the Leases Approval Tribunal												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Residential	24	33	42	17	16	16	15	26	13	33	32	20	287
Commercial	5	6	7	1	5	3	2	8	7	3	3	3	53
TOTAL	29	39	49	18	21	19	17	34	20	36	35	23	340

133. The following table set out a comparison with previous reporting periods:

Type of Lease	Number of Applications received by the Leases Approval Tribunal													Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Residential Leases														
2013-14	24	20	24	20	25	15	33	20	8	7	27	13	236	
2014-15	24	33	42	17	16	16	15	26	13	33	32	20	287	
Commercial Leases														
2013-14	15	10	10	8	8	12	2	6	10	3	4	3	91	
2014-15	5	6	7	1	5	3	2	8	7	3	3	3	53	

134. There is an increase in the number of residential application compared to the last reporting period. There is also a drop in the number of commercial applications as well.

135. The following table set out the number of applications based on status of applicant/s:

Type of Lease	Number of Applications received by the Leases Approval Tribunal													Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Female	5	5	18	7	4	3	4	13	3	5	9	7	83	
Male	7	10	10	6	4	7	3	7	2	9	8	2	75	
Joint	12	21	14	5	8	6	8	8	9	19	13	11	134	
Business	5	3	7	-	5	3	2	6	6	3	5	3	48	
TOTAL	29	39	49	18	21	19	17	34	20	36	35	23	340	

136. There are more joint applications than individual applicants. It should be noted that of the individual applicants, there are more females than males.

137. The following table set out the specific applications received by the LAT

Type of Application	Number of Applications Received by the Leases Approval Tribunal														Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun			
Extension and Variation	2	-	-	-	-	1	-	1	-	1	4	-	9		
Lease	15	19	19	3	2	3	-	14	3	6	7	7	98		
Sublease	-	-	-	-	-	-	-	-	-	-	1	-	1		
Assignment	3	10	6	4	7	3	8	10	5	13	7	4	80		
Deed of Mortgage	8	10	22	11	12	12	8	8	9	15	16	12	143		
Deed of Cancellation	-	-	-	-	-	-	-	1	-	-	-	-	1		
Deed of Surrender Sublease or Assign	1	-	2	-	-	-	-	-	1	1	-	-	5		
Tenancy	-	-	-	-	-	-	1	-	2	-	-	-	3		
TOTAL	29	39	49	18	21	19	17	34	20	36	35	23	340		

138. The following table set out how these applications were dealt with by the LAT.

	Number of Meeting of Assembled Owners held													Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
Total Applications	29	39	49	18	21	19	17	34	20	36	35	23	340	
Approved	26	39	49	18	20	17	17	32	17	36	34	22	327	
Withdrawn/Dismissed	3	-	-	-	1	-	-	1	2	-	1	1	9	
Adjourned	-	-	-	-	-	2	-	1	1	-	-	-	4	

139. It is an essential requirement of the LAT process that before a lease application is submitted that it be accompanied by a resolution of a Meeting of Assemble Owners.

140. The following table set out the number of MOAO meetings convened during the reporting period.

Number of Meeting of Assembled Owners held													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Rarotonga	13	15	2	4	11	7	6	5	13	13	3	5	97
Aitutaki	-	-	1	-	-	-	-	-	1	1	1	-	3
Atiu	-	-	-	-	-	1	-	2	-	-	-	-	2
TOTAL	13	15	3	4	11	8	6	7	14	14	4	5	102

141. As stated earlier the large number of MOAO on Rarotonga indicative of the number of land activities on Rarotonga compared to the other islands.

(b) Land Agents Registration Board (“LARB”)

142. The LARB was established under Land Agents Registration Act 2009. Its members are appointed under section 3 of that Act. Its 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”.

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

Land Information Division

144. The Land Information Division is responsible for the delivery of Output 2 of the Ministry. Its major responsibility is to ensure the accuracy of information regarding the Register of Land Titles, Unclaimed Monies and Land Survey Information. The Division is split into three sections; Land Titles, Land Trust, and Survey.

145. The Division is headed by both the Registrar of the High Court and the Chief Surveyor.

Land Titles (“ROLT”) Section

146. The Land Titles Section is responsible for the management and updating of entries on the Register of Land Titles (“ROLT”). Up to date and accurate entries are an important aspect of the responsibilities of this Section.

147. These entries form the basis for any investigation into the availability of lands in the Cook Islands, with the exception for the islands of Mitiaro, Mangaia, and Pukapuka. Those islands are exempted from the jurisdiction of the Land Division of the High Court of the Cook Islands.

148. In 2000 the Ministry embarked on a project of transferring the data from the manual register of land titles onto an ROLT. As stated in previous reports, it was during this period of transitioning information from the manual land registers onto the ROLT that mistakes, errors, and omissions were made by those charged with entering the information. These shortcomings were discovered both by the Ministry and landowners.

149. Despite concerns with the accuracy of the information on the ROLT, nothing was done to address it until the 2012-13 financial year, when the Ministry managed to secure funding for

the employment of 6 Data Processors whose primary task is to re-check all entries on the ROLT against those on the manual land title registers. In the 2012-13 period these data processors managed to update and corrected the information of 11 of the manual land title registers on the ROLT. Despite repeated requests for continuity of the project, funding was cut in this reporting period.

150. Despite the cut in the budget for the data processors, the Ministry retained them without a budget in order to carry on with the correcting and updating of the ROLT. Where a vacancy occurs within the Ministry they were moved to that vacancy. Only two of the 6 data processors are carrying on the updating and correcting of the ROLT. The current position that 12 of the manual registers have checked and corrected against the ROLT.

151. The following table shows the number of court decisions received by the Land Titles Section for entry onto the ROLT.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of Court orders, decisions, and Deeds received for entry onto the ELROT													
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
2014-15	68	63	40	207	46	55	166	9	31	149	57	67	958
Total number of land parcels affected by the orders, decisions 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
2014-15	228	211	162	319	49	68	122	9	81	154	66	367	1836
Total number of landowners affected by the orders, decisions, and deeds													
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
2014-15	1152	1786	848	1353	58	144	513	0	156	599	2316	4860	13785

152. The Ministry had reviewed its processes to minimise the time taken from when the court made a decision and the time the decision is entered onto the ROLT. This has resulted in the Land Court Division being responsible for the preparation, signing and sealing of court orders before the files are transferred to the Land Titles Section for entry on the ROLT. The Land Titles Section focus more on entries onto the ROLT and a relieved of preparing, signing and sealing court orders.

153. The following table set out the number of documents registered with the Land Titles Section 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	
Deed of Lease	1	4	2	4	13	9	9	3	3	4	-	4	56	
Deed of Mortgage	4	2	7	13	7	16	8	1	7	1	12	8	86	
Discharge Mortgage	9	9	3	8	10	9	8	2	8	2	10	7	85	
Assignment of Lease	2	1	2	5	5	6	3	1	6	-	6	2	39	
Deed of Surrender	-	-	-	-	-	-	-	-	-	-	1	-	1	
Deed Variation/Extension	-	-	-	-	3	3	1	-	1	-	-	1	9	
Deed Sublease	-	-	-	-	-	1	-	-	-	-	1	-	2	
Assignment Sublease	-	-	-	-	-	-	-	-	-	-	-	1	1	
Warrant - Solar	-	-	-	-	-	-	-	-	-	-	-	-	-	
Notice of Forfeiture	1	1	-	3	-	-	1	1	-	-	-	-	7	

TOTAL	17	17	14	33	39	44	30	8	25	7	30	23	287
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154. The following table set out a comparison of the current period with the previous period in regards to certain documents registered with the Land Titles Section.

Period	Number of Documents Registered												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Deed of Lease													
2013-14	12	6	2	4	3	2	-	4	3	4	6	3	49
2014-15	1	4	2	4	13	9	9	3	3	4	-	4	56
Deed of Mortgage													
2013-14	10	9	10	5	8	13	1	2	8	9	5	1	81
2014-15	4	2	7	13	7	16	8	1	7	1	12	8	86
Discharge Mortgage													
2013-14	18	5	8	7	6	8	2	1	4	16	2	6	83
2014-15	9	9	3	8	10	9	8	2	8	2	10	7	85
Assignment of Lease													
2013-14	11	4	7	4	3	6	-	1	4	9	7	2	58
2014-15	2	1	2	5	5	6	3	1	6	-	6	2	39

155. It is evident that there is an increase in the number of Deed of Leases, Deed of Mortgages, and Discharge of Mortgages registered with the section.
156. It is important, not only for the Ministry but of the Cook islands, that the ROLT is updated. The necessary resources must be provided. With the number of development project being implemented in the Cook Islands, an updated and accurate ROLT is important.

Land Trust Section

157. Section 492 of the Cook Islands Act 1915 provides that “*unless in any case the Court otherwise directs, all proceeds derived from any alienation of Native land confirmed by the Court after the commencement of this section shall be paid into [[the Land Court]]*”.
158. The following table shows the number of receipts and amount received by the Land Trust Section in the reporting period.

	Rental Receipts	Amount Received	Commission	Bank Fees	Total Amount
Jul	69	\$ 76,574.17	\$2,322.97		\$ 78,897.14
Aug	27	\$ 73,005.63	\$3,038.79		\$ 76,044.42
Sep	47	\$220,844.66	\$11,136.69		\$231,981.35
Oct	52	\$ 54,719.45	\$2,627.59		\$ 57,347.04
Nov	47	\$ 71,535.99	\$3,572.47		\$ 75,108.46
Dec	32	\$ 46,168.71	\$1,821.97		\$ 47,990.68
Jan	29	\$ 45,016.68	\$2,231.55		\$ 47,248.23
Feb	51	\$113,669.65	\$5,696.98	\$10.00	\$119,376.63
Mar	39	\$160,631.83	\$8,023.89	\$5.00	\$168,660.72
Apr	37	\$ 98,903.41	\$4,939.87		\$103,843.28
May	25	\$ 33,640.59	\$1,950.38		\$ 35,590.97
Jun	32	\$335,572.11	\$16,744.84		\$352,316.95
Total	487	\$1,330,282.88	\$64,107.99	\$15.00	\$1,394,405.87

159. The following table shows the amount of monies received by the Land Trust Section in the past three reporting periods:

Reporting Period	2012-13	2013-14	2014-15
Amount Received	\$795,611.74	\$1,064,434.44	\$1,394,405.87

160. The following tables show the number of payments paid out to the Land Trust Fund in the reporting period.

Period	Total amount of monies claimed by landowners.	
	No of cheques Issued	Total sum paid
Jul	46	77,719.99
Aug	41	36,341.80
Sep	50	83,748.72
Oct	42	60,913.51
Nov	42	52,317.16
Dec	49	93,542.76
Jan	44	59,389.31
Feb	45	47,904.50
Mar	50	63,251.12
Apr	41	62,007.20
May	36	171,142.39
Jun	30	118,440.90
Total	516	926,719.36

161. It is evident from the above table that the total amount of monies paid out to the landowners is less than the total of monies received. The left over sum of \$467,786.356 is still retained in the Land Trust Fund and capable of being claimed by landowners. If it is unclaimed within 3 years, it is then paid to MFEM as unclaimed monies. The landowners can still claim for the monies if they can prove their entitlement to the money.
162. Beside the receipt and payment of monies from the Land Trust Fund, the Land Trust Section is also responsible for the management of the unclaimed monies in the Land Trust Fund. It is to ensure that unclaimed monies are paid to the Ministry of Finance and Economic Management ("MFEM") on a timely basis in accordance with the Ministry of Finance and Economic Management Act 1996 and the Unclaimed Monies Act 1970.
163. In the reporting period the Ministry have to engage the services of an independent finance contractor to review the processes and procedures of the Ministry in dealing with unclaimed monies. The result is that the Ministry has resumed paying unclaimed monies to MFEM relating to the 2005 financial year. This was an amount of \$74,413.08. It is envisaged that both the 2006 and 2007 financial years will be paid out in the 2014-15 financial year.

The Land Survey Section

164. The Land Survey Section is headed by the Chief Surveyor. The Chief Surveyor is supported by two other staff, the Geographical Information System and Cadastral Manager, and the Cadastral Clerk
165. The following table set out the work of the Land Survey Section in the reporting period, compared to the previous reporting period;

Period	Number of incidents recorded by the Land Survey Section.												Total
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Plans Examined													
2013-14	9	6	25	11	3	17	1	8	22	15	7	7	131
2014-15	15	2	2	7	7	5	19	9	13	3	5	7	94
Plans drawn by Land Survey Section													
2013-14	4	7	5	21	7	7	10	7	5	15	21	21	130
2014-15	3	9	5	8	14	10	10	7	12	8	7	7	100
PDF file copies													
2013-14	10	1	7	6	3	-	4	4	2	4	2	2	45
2014-15	-	-	2	10	1	-	6	1	3	-	2	4	29
Photocopies													
2013-14	1	1	1	1	1	1	1	1	1	1	1	1	12
2014-15	-	1	1	1	-	1	1	1	1	1	1	1	10
Inquiries													
2013-14	24	15	38	39	14	25	16	20	30	35	31	31	318
2014-15	18	12	13	33	22	19	42	25	35	19	23	25	286

166. The ability of the Survey Section is affected by the lack of resources. The Section does not have a transport and also surveying equipments. It relies on the goodwill of the Chief Surveyor and other Private Surveyors for the use of their equipments to verify land survey information.
167. There is a need to equip the Land Survey Section with proper survey equipments and an appropriate transport.
168. There is a need to link the land survey information with the ROLT so that it becomes a hub of information on land in the Cook Islands. This can only happen with sufficient resources.

The Registry Division:

169. The Registry Division is primarily responsible for the management of key Registers managed by the Ministry. The Division is divided into two sections. The Births, Deaths and Marriages Registers Section (BDM Section) and the Companies and Incorporated Societies Registers Section (Companies Section).
170. The Division is currently headed by the Registrar of the High Court and supported by a Deputy Registrar of Births, Deaths, Marriages, Companies, and Incorporated Societies. The same Deputy Registrar also performed the functions of a Deputy Registrar of the High Court.
171. The Secretary of Justice is the Registrar-General and Chief Registrar of Electors.
172. The Division had two staff in the BDM Section and two staff in the Companies Section. There is a need to employ another staff to be responsible for the maintenance and updating of the Electoral Rolls.

Births, Deaths, and Marriages Registers Section (“BDM Section):

173. The primary function of the BDM Section is to ensure that all births, deaths, and marriages in the Cook Islands are correctly registered into their respective registers. Secondly to ensure that any errors and mistakes are corrected in a timely manner.

174. The Section is headed by the Senior Clerk and assisted by a clerk. The Section is also responsible for updating the Electoral Rolls of the Cook Islands.
175. The following table set out the total number of Births, Deaths, and Marriages reported to the BDM Section for registration on each island during the reporting period.

Number of Births, Deaths & Marriages recorded in the reporting period									
Island	Births			Deaths			Marriages		
	M	F	Total	M	F	Total	R	V	Total
Rarotonga	105	110	215	46	37	83	65	611	676
Aitutaki	5	4	9	2	4	6	4	50	54
Mangaia	-	-	-	3	-	3	-	1	1
Atiu	-	3	3	6	4	10	1	-	1
Mauke	-	-	-	4	3	7	1	1	2
Mitiaro	-	-	-	-	-	-	-	-	-
Manihiki	-	-	-	-	1	1	1	1	2
Rakahanga	-	-	-	-	-	-	1	-	1
Penrhyn	-	-	-	-	-	-	2	-	2
Palmerston	-	-	-	-	-	-	-	-	-
Pukapuka	2	4	6	2	1	3	-	-	-
Nassau	-	-	-	-	-	-	-	-	-
TOTAL	112	121	233	63	50	113	75	664	739

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

176. The following table set out a comparison with the two previous reporting periods of the number of Births, Deaths, and Marriages reported to the BDM Section. It breaks the information according to gender and in the case of marriages, it breaks it into resident and visitors.

Reporting Period	Births			Deaths			Marriages		
	M	F	Total	M	F	Total	R	V	Total
2012-13	141	132	273	66	46	112	43	752	795
2013-14	120	112	232	89	49	138	70	670	740
2014-15	112	121	233	63	50	113	75	664	739

177. The following table shows the number of Births, Deaths, and Marriages certificate issued in the reporting period. It also provides a comparison with the two previous reporting periods:

Period	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
Birth Certificates													
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
2014-15	201	166	146	175	163	195	227	122	224	119	93	132	1963
Death Certificates													
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
2014-15	25	17	36	20	14	17	22	34	15	17	16	21	254
Marriage Certificates													
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
2014-15	67	39	70	68	45	39	42	47	32	41	41	69	600

178. The number of certificates issued is dropping and this will affect the trading revenue of the Ministry. It is hoped that the proposed fee increase for certificates in the next reporting period will get through as it will ease the financial burden on the Ministry.

179. Following the completion of the General Election, the Section envisages to update all the rolls in the next financial year. This is to ensure that the rolls are up to date and available for the Local Government Elections.

The Company Registers Section.

180. The primary function of the Company Registers Section is to ensure that all companies and incorporated societies operating in the Cook Islands do so in compliance with the provisions of the Companies Act and the Incorporated Societies Act.

181. The following table shows the work of the Section in ensuring compliance by companies with the provisions of the Companies Act in the reporting period.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Approval of Name	9	11	7	8	9	4	11	13	15	15	15	7	124
New Registration	3	6	7	6	9	4	7	12	16	11	13	4	98
Annual Registration paid	78	28	26	12	3	2	10	8	25	142	224	239	797
Charges	5	4	3	9	1	3	-	1	6	2	1	3	38
Satisfaction of Charge	2	4	1	3	-	4	-	-	2	4	-	1	21
Registration of Chattels	12	20	25	7	12	16	15	27	8	2	15	28	187
Satisfaction/Renewal of Chattels	2	1	5	3	1	1	2	1	3	1	2	4	26
Penalty Fees Imposed	2	4	-	1	-	-	2	-	1	6	10	4	30
Searches	10	10	6	6	5	20	3	14	13	6	8	10	111

182. The following table shows the number of new registered companies, compared with the two previous reporting periods. It also shows the number of companies that renewed their registrations.

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
New Companies Registered in the reporting period													
2012-13	6	7	3	7	6	7	4	8	9	5	4	5	71
2013-14	7	8	9	8	9	7	8	10	6	5	3	8	88
2014-15	3	6	7	6	9	4	7	12	16	11	13	4	98
Companies that renewed registrations in the same period													
2012-13	66	65	28	22	3	1	11	13	38	212	240	170	869
2013-14	111	32	21	27	6	9	9	13	16	144	249	239	876
2014-15	78	28	26	12	3	2	10	8	25	142	224	239	797

183. The number of new Incorporated Societies registered during the reporting period is 17, less 4 from the previous reporting periods 21.

184. In the reporting period, the Ministry received funding from the ADB and NZAID to fund the transition of company registration from a manual registration system to an on-line registration system. It was agreed between the Ministry and the other parties for a new company's legislation to be developed. This work is being undertaken by the ADB.

185. It is envisaged that the new registration system will be running around the 2017-18 financial year.

Prison Service

186. The Prison Service Division is primarily responsible for the administration of the Arorangi Prison. The Division is broken into two main sections, Security Section, and the Support Services Section.

187. The Division is headed by the Superintendent of Prisons and supported by 20 prison officers.

Security Section:

188. The Security Section is primarily responsible for the safety of persons sentenced to prison and those remanded in prison during the custodial period. It is also responsible for the safety of prison officers and members of the public when interacting with inmates.

189. The Section is headed by a First Officer and supported by 12 other officers, including two female officers. The two female officers deal with female prisoners. The male prison officers work in pairs on five shifts to provide a 24/7 coverage of the prison.

190. An ongoing issue for the Security Section is the number of staff rostered on Late and Night Shifts when the only persons within the Prison compound are the prisoners and the two prison officers. This is also the same during the weekends.

191. The other issue is the number of prisoners suffering from a mental condition has increased over the years. Discussions have been entered into with the Ministry of Health, however due to the lack of facility on the island, the Arorangi Prison is deemed to be a much safer place for people suffering from some mental condition. This actually affects prison officers that are not trained medical officers in the performance of their functions and also their personal safety.

192. Besides providing 24/7 coverage of the prison, those rostered on the Reserve Shift are required to escort prisoners and stay with them when attending to programs, appointments, and work-scheme requirements.

193. Listed below is the hours of shifts needed for the 24/7 coverage of the prison:

(i)	Early Shift	0730hrs	-	1530hrs	(7.30am – 3.30pm)
(ii)	Late Shift	1530hrs	-	2330hrs	(3.30pm – 11.30pm)
(iii)	Night Shift	2330hrs	-	0730hrs	(11.30pm – 7.30am)
(iv)	Reserve Shift	0730hrs	-	1530hrs	(7.30am – 3.30pm)

194. Despite the limited number of prison officers in the Security Section, there were no escapes and breach of regulations in the reporting period.

195. The following table shows the total number of persons in custody on a monthly basis.

Total number of persons in prison												
Gender	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Sentenced to imprisonment												
Male	31	30	34	31	31	34	32	32	32	30	30	27
Female	0	0	1	1	2	2	1	1	2	2	2	2
On remand in custody												
Male	06	3	2	5	9	4	6	6	5	9	5	7
Female	0	0	0	0	0	0	0	1	1	1	1	1
Total	37	33	37	37	42	40	39	40	40	42	38	37

196. The prison population is dominated by males, both in the number of those sentenced to prison and those remanded in custody.

197. The following table is a comparison of the total number of person in prison on a monthly basis with previous reporting periods:

Total Number of Persons in Prison												
Gender	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
2012-13 Reporting Period												
Male	30	30	34	34	34	45	38	41	39	45	32	32
Female	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 Reporting Period												
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
2014-15 Reporting Period												
Male	37	33	36	36	40	38	38	38	37	39	35	34
Female	0	0	1	1	2	2	1	2	3	3	3	3
TOTAL	37	33	37	37	42	40	39	40	40	42	38	37

198. The following table show the number of persons received by the Prison on a monthly basis, showing whether the inmate is in for the first time or have previously been inside the prison:

Number of Persons received on a monthly basis and their status.													
Gender	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total Monthly Admissions.													
Total	-	1	6	-	4	6	-	1	3	-	-	-	21
First Time in Prison.													
Male	-	-	4	-	2	5	-	-	-	-	-	-	11
Females	-	-	1	-	-	-	-	-	1	-	-	-	2
Total	-	-	5	-	2	5	-	-	1	-	-	-	13
Had previously been in prison.													
Male	-	1	1	-	1	1	-	1	2	-	-	-	7
Female	-	-	-	-	1	-	-	-	-	-	-	-	1
Total	-	1	1	-	2	1	-	1	2	-	-	-	8

199. The number of first time inmates is higher than that of those returning to prison. It equates to 61.90% of the total number of new admissions in the reporting period. As the table clearly shows an overwhelming majority of them are males.

200. The following table shows the breakdown in age group of those in prison:

Number of inmates per month												
2014 - 15	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
16-20												
Male	3	4	4	5	9	9	8	8	7	7	6	4
Female	0	0	0	0	0	0	1	1	2	2	2	3

21-30												
Male	13	12	14	14	18	13	13	16	15	13	12	12
Female	0	0	0	0	0	0	0	0	0	0	0	0
31-40												
Male	9	10	11	10	10	9	10	12	9	10	9	10
Female	0	0	0	0	0	0	0	0	0	0	0	0
41-50												
Male	7	7	7	5	4	3	3	3	2	2	2	2
Female	0	0	0	0	0	0	0	0	0	0	0	0
51 -60												
Male	0	0	0	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0	0	0	0
60 >												
Male	0	0	0	0	0	0	0	0	0	0	0	0
Female	0	0	0	0	0	0	0	0	0	0	0	0
Total Inmates	32	33	36	34	41	34	35	40	35	34	31	31

201. It is evident from the table above that the highest number of persons in prison are from the 16 - 30 age group. This is equivalent to 60.10% of the total number of persons in prison.
202. It is noted that there is an increase in the number of inmates suffering from mental conditions. The lack of facilities to house those who are suffering from mental conditions means the only suitable facility is the Prison. This exposes Prison Officers to potential harm when dealing with mentally challenged persons. The Ministry of Health is aware of this issue.

Support Services Section:

203. The Support Services Section is responsible for the development of programmes and activities design for the rehabilitation and reintegration of inmates back into the community. It is also responsible for the livestock and agricultural activities of the Prison, to minimise the food bill and operational costs of the Prison.
204. These programs are developed with the help of government, non-government, religious, and civil society agencies.
205. In the reporting period the following activities were recorded:

Dates	Activity	Provider	Duration	Participants
July 2014	Computer Course	USP	3 months	3 inmates
July 2014	Carpentry	CITTI	4 weeks	4 inmates
July 2014	Small Engine Maintenance	CITTI	3 weeks	3 inmate
July 2014	Basic Automotive Engineering	CITTI	3 months	2 inmates
October 2014	Small Business Set Up	BTIB	4 weeks	6 inmates
November 2014	Customer Service	CITTI	2 days	18 – staff
November 2014	Customer Service	CITTI	2 days	18 – staff
June 2015	Butchery	Puna Dyer	4 weeks	6 – staff and inmates
September 2015	Crafting and Margoting	Ministry of Agriculture	1 week	8 – staff and inmate
April 2015	Cooking for blokes	CITTI	2 weeks	6 - inmates
	Basic Plumbing	CITTI	4 weeks	1 - inmate

206. The Section is also responsible for the implementation of two programs designed to assist the inmates and the prison as a whole, namely the Work Scheme and the Work-gang Scheme.

207. The work scheme program is designed to help inmates obtain funds for themselves and ease the financial burden on their families. It is also design to help secure employment for the inmates after release from prison and his/her re-integration back into the community.
208. Under the work-scheme, an inmate is hired by the hirer at the rate of \$30.00 a day. This money is split 60/40 between the Ministry and the inmate. The inmate’s share of 40% is paid into his/her account which is managed by the Administration Section of the Prison.
209. In the reporting period the number of inmates released on the work-scheme each month is set out in the table below:

	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total number of inmates:	32	33	36	34	41	34	35	40	35	34	31	31	416
No. on released on work-scheme	12	12	12	12	13	13	13	13	14	14	14	14	156

210. As seen from the above table, the number of inmates released on the work-scheme program in the reporting period equates to 37.5% of the total number of inmates in prison. This number can be increased to around 60% of the total inmates in prison, but due to a lack of prison officers available to escort and provide security to inmates released on the work scheme program, this cannot be done. The low number of inmate released on the work scheme also affects the ability of the prison to become self-sufficient.
211. An important result of the work scheme program is that it enables the Support Services Section to secure permanent employment for inmates upon their release from prison. It also encourages inmates to set up themselves upon their release from prison. In the reporting period the following table set out the number of inmates who had jobs on their release from prison.

Type of Work	Employer	No of Inmates
Building	Eagle Construction	4
Plumbing	Raro Plumbing Ltd	2
TV reporter	CITV	1
Arborist	Baker Tree Services	4
Lawn Maintenance	Lawn Rangers Ltd	3

212. The Ministry is grateful to employers who have provided employment for the released inmates.
213. The work-gang program is designed to assist the prison in meeting its obligations to the inmates particularly in providing wholesome meals for the inmates. The work gang program is provided for those who are not on the work scheme program and requires more supervision and assessment by Prison Officers. It is part of the program that, depending on the number involved, a prison officer escorts and provides security for those inmates involved in completing the work.
214. Under the scheme, a request for assistance is sent to the Superintendent of Prison who then refers the matter to the head of the Support Services Section. An assessment of the work is made, taking into account the magnitude and timeline available for completion of the task.

215. A decision is then made to have the work performed either by a work-gang or by those on the work scheme program. This normally depends on the magnitude of the type of work involve and the timeline for completion. The hirer is advised of the decision.
216. Where is decided that the work will be performed by under the work gang program, an invoice is presented to the hirer advising of the costs involved.
217. Payment for the work is normally in the form of foodstuff or other things that the Prison Service required.

Type of work	Number of Work Gang Project completed during the reporting period.											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total Work Gangs Completed	5	7	7	21	7	11	6	24	12	14	10	7
<i>Taro Patches</i>	4	6	5	18	7	5	3	10	6	7	8	3
<i>Section Clearing</i>	1	1	1	2	0	1	1	6	3	5	1	1
<i>Renovation Work</i>	0	0	1	1	0	1	2	0	0	0	0	0
<i>Catering</i>	0	0	0	0	0	2	0	0	1	1	0	0
<i>CIIC</i>	0	0	0	0	0	0	0	0	0	0	0	1
<i>Ministry of Education</i>	0	0	0	0	0	2	0	0	0	0	0	1
<i>Edgewater Resort</i>	0	0	0	0	0	0	0	4	2	0	0	0
<i>Trenching</i>	0	0	0	0	0	0	0	1	0	1	0	1
<i>Vaka Projects-TMN</i>	0	0	0	0	0	0	0	3	0	0	1	0

218. The following table shows the “payments” received for work gang projects.

Description	Quantity	Approximate Costs
Foodstuff		
Carton Chicken Leg Quarters (10 kg)	166	3,652.00
Carton Neck Chops	22	1,540.00
Carton Lamb Chops	19	1,330.00
Carton Corned Beef 12oz	06	720.00
Carton Corned Beef 16oz	08	1,040.00
Bale of Rice (2kg)	02	76.00
Bale of Rice (1kg)	02	50.00
Ice Cream (8ltrs)	23	1,035.00
Ice Cream (16ltrs)	12	720.00
Bag of Potatoes (10kg)	02	50.00
Noodles (carton)	116	2,552.00
Livestock		
Bag of Pig Feed (Grower)	32	960.00
Agriculture		
Insecticides – 5 ltrs Nitrosol	1	137.00
Insecticide – 5 ltrs Weedkiller	1	110.00
Seedlings – Terr Corn packet	3	25.80
Nettings – 150mtrs	1	90.00
Black Magic bags	6	210.00

Tools		
Wheel Barrows	2	280.00
Shovels	10	404.00
Bush Knives	14	140.00
Rakes (plastic)	9	10200
Rakes (iron)	4	116.00
Echo Grass Cutter	1	1,595.00
Administration		
Paint – 10 ltrs	2	240.00
Paint Brush –	3	18.00
Security Camera extension lead – 10 mtrs	1	57.00
Torches	3	360.00

219. As can be seen from the table the savings to the Ministry through “payments” under the work gang program equates to \$17,609.00. Beside the “payments” in kind, some hirers decided to pay by cheque, these payments equates to \$6,650.00 and this sum is part of the Ministry trading revenue for the reporting period. The total saving to the Ministry under the work gang program equates to \$24,259.00.
220. It is noted that allegations of improper conduct against senior prison officials have been filed with the Secretary of Justice and PERCA. The allegations are that senior prison officials are using inmates to carry out work for them without payments. Senior prison officers were spoken to by the Secretary and have denied any wrong doing. The matter is being investigated by PERCA and the ministry is awaiting the PERCA report.
221. The efficiency and effectiveness of the Prison is affected by a lack of staff and transport. There is a need to increase the number of staff to have three prison officers on each shift. Also there is a need to acquire another vehicle, suitable for escorting duties, like a van for the prison.

Probation Service Division

222. The Probation Service Division is currently headed by the Chief Probation Officer and supported by 7 Probation Officers. Included in the seven (7) staff are the two probation officers for the islands of Aitutaki and Atiu. On islands where there are no Probation Officers employed, the functions and roles of the Probation Service is performed by the Deputy Registrar of the High Court on the respective island.
223. The primary function of the Probations Service is to assist the Court in determining the appropriate penalty for any person appearing for sentencing, and secondly to monitor compliance by probationers and parolee with their probation and parole terms and conditions as imposed by the Court and by operation of law.
224. It is obvious from its duties and responsibilities, the Probation Service requires transport to be able to carry function properly. It need a transport to meet people, interview families, interested persons, probationers and parolees, monitor the movement and association of probationers and parolees.
225. In the reporting period, the only vehicle that the Probation Service have was sold in the government’s vehicle auction, and Probation Service have been without a vehicle since. The

Division have to rely on the good will of staff to use their private vehicles to enable them to carry out their duties and functions. But these have limitations as well.

226. The Division is divided into two sections, Report Preparation Section, and the Monitoring and Rehabilitation Section.

Report Preparation Section:

227. The Report Preparation Section is primarily responsible for the preparation and provision of pre-sentence or pre-parole reports to the Courts or the Parole Board to assist the Court or Parole Board in determining the appropriate sentence or outcome for any person appearing for sentence before the Court or parole before the Parole Board.
228. This Section is headed by a Senior Probation Officer and assisted by two other probation officers.
229. In the preparation of their pre-sentence reports the Report Preparation Section relies on the Police to provide the necessary background information relating to the offending. As seen in the table below, the Police have failed to provide a caption and summary to the Section. This has an impact on the quality and timeliness of the report. Discussions with the Police are on-going in order to improve this part of the process.
230. The following table set out the number of probation pre-sentence reports prepared each month to assist the Court in reaching an appropriate sentence. It also set out the number of Caption and Summary received from the Police to assist the Report Preparation Section:

Total number of report prepared each month													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Total reports	3	5	15	15	8	4	10	8	8	13	10	17	116
Captions provided by the Police	2	3	11	5	2	2	6	7	5	8	5	9	65

231. The following table set out the number of pre-sentence report presented to the court and the reaction from the court in regards those report:

Result of probation reports presented to the Court													
Reaction	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Presented to the Court	1	5	10	12	5	9	5	3	16	8	7	12	93
Recommendation followed:	1	2	3	3	1	2	-	2	10	6	2	8	40
Recommendation partly followed:	-	1	1	2	2	3	4	1	2	2	3	1	22
Recommendation not followed:	-	2	6	7	2	4	1	-	4	-	2	3	31

232. The Section is also responsible for providing the Parole Board with a pre-parole report in regards to those persons that applied to the Parole Board to be paroled from prison.

233. The following table set out the number of parole reports prepared for the Parole Board:

Reaction	Result of parole reports presented to the Board												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Presented to the Board	-	-	-	-	4	-	-	4	-	-	-	-	8
Granted Parole:					1			3					4
Refused Parole					3			1					4

234. The effectiveness of the Probation Service is affected by the lack of transport for the Division. Since the sale of their vehicle, they have to rely on staff transport to carry out their work. It is important that a suitable vehicle be provided for the Division.

Monitoring and Compliance Section:

235. The Monitoring and Compliance Section is responsible for ensuring that those placed on probation by the Court or released on probation or parole from Prison complies with their probation and parole conditions.

236. The Section is headed by a Senior Probation Officer and supported by one other probation officer. Due to shortage of staff, staff from the Court Reporting Section assist this section where possible.

237. The proposed Family Law Bill will also have a major impact on the ability of this Section to carry out its functions and responsibilities. There is a need to recruit two more staff to focus on young offenders and prepare reports to the Koro Akaau process and the Children’s Court. The current number of probation officers is insufficient to meet the extra responsibilities.

238. The following table set out the total number of persons on probation or parole in each month. It also set out the gender and employment status of those on probation or parole:

Status	Total number of person on probation per month in the reporting period											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Male	62	63	65	71	72	71	72	65	67	63	63	68
F/Male	14	12	12	10	8	8	8	7	7	6	6	7
Total	76	75	77	81	80	79	80	72	74	69	69	75
Employed	55	52	55	51	55	50	57	53	57	54	49	53
Unemployed	21	23	22	30	25	29	23	19	17	15	20	22
Terminations	6	6	5	5	6	6	2	9	7	11	6	1

239. The table shows that a high number of those placed on probation or parole were employed at the time they were placed on probation or parole. It also shows that there are more males than females placed on probation or parole.

240. The following table set out the number of probationer placed on community service and the number of project completed in the reporting period:

Total number of probationers ordered to do community service as part of probation term.													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Total Number of Probationers.	76	75	77	81	80	79	80	72	74	69	69	72	
On community Service	18	22	26	33	27	23	24	22	27	28	22	21	
Projects Completed	4	4	4	4	4	3	5	7	7	2	5	3	

241. The majority of these projects are to assist the elderly and destitute through cleaning their homes or yards, or cleaning their plantations or taro patches. In some instances, the projects involved are for cleaning sports field or public roads where requests for assistance are received.

242. The following table set out the number of persons released on probation by the Court or from prison by operation of the law.

Number of persons released onto probation per month.													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Court	-	6	5	11	1	2	4	2	9	6	4	7	57
Prison	-	-	2	1	2	4	-	-	4	1	2	1	17
Total	-	6	7	12	3	6	4	2	13	7	6	8	74
First Time	-	3	4	5	1	1	2	1	5	2	4	6	34
Re-Offender	-	3	3	7	2	5	2	1	8	5	2	2	40

243. The number of re-offenders is a concern, it is equivalent to 54.05% of the total number of persons placed on probation or parole in the reporting period.

244. The following table set out the places of residence of probationers and parolees at the time of being released on probation or parole:

Residence	Number of Probationers.												
	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Takitumu	17	16	18	21	20	21	24	22	21	18	19	20	237
Puaikura	19	21	21	21	21	21	20	18	21	20	21	26	250
Teautonga	40	38	38	39	39	37	36	32	32	31	29	29	420
Total	76	75	77	81	80	79	80	72	74	69	69	75	907

245. The majority of persons on probation or parole are from the Tea Au o Tonga district. It equates to 46.31% of the total number of person on probation in the reporting period.

246. The following table set out number of probationers in the Outer Islands.

Number of persons serving probation term in the outer Islands.													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Aitutaki	2	3	5	4	5	-	4	3	2	2	4	4	38
Atiu	1	1	1	1	1	1	1	1	1	1	1	1	12
Manihiki	-	-	-	-	-	-	-	-	1	1	1	1	4
Total	3	4	6	5	6	1	5	4	4	4	6	6	54

247. As stated above, the only islands with a probation officer are Aitutaki and Atiu. Where there is no probation officer, the duties and function of a probation officer is performed by the Deputy Registrar's of the High Court on each island.

248. The following table set out the age group of person persons on probation or parole.

Age Group	Number of persons on probation												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
16-20	16	15	13	16	16	15	12	9	8	8	9	11	148
Male	14	13	11	14	14	13	10	7	7	7	8	10	128
Female	2	2	2	2	2	2	2	2	1	1	1	1	20
21-30	33	32	34	32	32	31	33	31	31	29	28	34	380
Male	25	25	27	26	27	26	28	27	26	25	24	29	315
Female	8	7	7	6	5	5	5	4	5	4	4	5	65
31-40	13	13	14	13	12	12	14	14	15	12	13	12	157
Male	9	10	11	11	11	11	13	13	15	12	13	12	141
Female	4	3	3	2	1	1	1	1	-	-	-	-	16
41-50	9	9	10	14	14	15	14	11	13	14	14	13	150
Male	9	9	10	14	14	15	14	11	12	13	13	12	146
Female	-	-	-	-	-	-	-	-	1	1	1	1	4
51 -60	5	6	6	6	6	6	6	6	6	5	4	4	66
Male	5	6	6	6	6	6	6	6	6	5	4	4	66
Female	-	-	-	-	-	-	-	-	-	-	-	-	-
60 >	-	-	-	-	-	-	1	1	1	1	1	1	6
Male	-	-	-	-	-	-	1	1	1	1	1	1	6
Female	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Probationers	76	75	77	81	80	79	80	72	74	69	69	75	907

249. The greater number of probationers and parolee fall within the 16 – 20 and 21 – 30 age groups. Both age groups make up- about 58.21% of the total number of probationers and parolee in the reporting period. This is a concern that needs addressing.

250. The following table set out the number of breaches of probation and parole conditions;

Type	Number of breaches												Total
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
Community Service	-	-	1	-	1	-	-	2	3	2	-	-	9
Probation Conditions:	2	1	5	1	1	-	-	-	2	2	-	1	15
Total:	2	1	6	1	2	-	-	2	5	4	-	1	24

251. The high number of breaches of probation or parole terms and conditions in the reporting period is a concern.

Corporate Services Division

252. The Corporate Division is responsible for providing logistical support to the other Divisions in the delivery of the Outputs of the Ministry. It is split into two main sections; Information Technology and Financial Services:

Information Technology Section:

253. The Information Technology Section is responsible for providing technical support to all Divisions of the Ministry.

254. The Section is supposed to be headed by the IT Manager. Unfortunately funding for this position was withdrawn in the 2013-14 financial year and the position is currently vacant. Despite repeated requests for a budget for it, funding has not been forthcoming. Discussions have been held with the Public Service Commissioner but were unsuccessful in securing funding for the position.
255. The Section is now headed by the IT Project Coordinator and supported by an IT Support Officer. Funding for another IT Support Officer has not been forthcoming, although approved on the organisational chart.
256. The majority of the work undertaken by the Section is in addressing technological problems with both software and hardware equipments of the Ministry. The land titles program is a work in progress that is being addressed by the Section but due to lack of resources, the staff in this area could not focus on issues as they are consistently asked to attend to other matters related to other technological matters.
257. The consolidation of the internet under a single domain is still problematic for the Ministry and these are being addressed by the Section in corroboration with the ICT Unit at the Office of the Prime Minister.

The Financial Services Section:

258. The Financial Services Section is responsible for the management of the finances of the Ministry. It is responsible for ensuring that staff and service providers are paid on time.
259. The Section is headed by the Finance Manager and assisted by the Finance Officer and a Receptionist/Cashier. A fourth staff is the Watchman/Grounds man who is responsible for the security of the Ministry building and upkeep of its grounds.
260. The Ministry encourages staff to undertake tertiary studies through the University of the South Pacific (USP) or any other institutions. Fees are paid by the Ministry, unless a staff fails then he/she reimburses the Ministry.
261. In the first half of the reporting period, there were 7 staff enrolled at various courses with the USP, the subjects ranged from Introduction to Management, Economic Concepts and Applications, Information Systems and Courts and Dispute Resolution. In the second period there were 6 staff who undertake courses with the USP.

Position	Division	Reason
IT Support Officer	Corporate Division	Leaving for Australia with husband. Salary not enough to meet financial obligations.
Probation Officer	Probation Service	Moved to the Ministry of Education – higher salary
Deputy Registrar (O.Is)	Courts & Tribunals	Joined the Takamoa Theological College
BDM Clerk	Registry	Moved to Australia – salary not enough to meet financial obligations.
Data Processor	Land Information	Moved to Australia – for a better job
Prison Officer	Prison Services	Moved to Australia
Prison Officer	Prison Services	Moved to Private Sector job
Prison Officer	Prison Services	Moved to Private Sector.

262. The following table set out the number of staff that have resigned/left the Ministry in the reporting period:
263. In exit interviews with those who have left the Ministry, it is obvious that remuneration is the main reason for their departure. This is a concern that has always been raised with government over the years but is yet to be addressed.
264. It is noted that the increase in the number of court sittings, presided by a Judge or Justice/s of the Peace, had an adverse effect on the financial position of the Ministry. In the reporting period the Ministry has overspent its personnel and operational budget to the sum of \$130,982.00. This overspending is due to costs associated with the general elections and the operations of the Court.
265. It should be noted that the Ministry relies on its trading revenue for its operations. The only assistance that the Ministry received from government is POBOC for judiciary allowances and legal aid assistance in criminal matters.
266. The Ministry, in the reporting period, budgeted to collect \$500,000.00 as trading revenue. It collected \$537,486.20 of revenue. An extra \$37,486.20. The amount of trading revenue collected by each Output in the reporting period is as follows:
- | | |
|-----------------------------------|----------------------------|
| a. Output 1 – Court and Tribunals | \$117,323.85 |
| b. Output 2 – Land Information | \$121,968.78 |
| c. Output 3 – Registry | \$174,606.55 |
| d. Output 4 – Prison Services | \$123,587.02 |
| | <u>\$537,486.20</u> |
267. It is envisage that the promulgation of regulations increasing fees in the Registry Division will increase the amount of trading revenue in the next reporting period.

Conclusion:

268. It is obvious from the above informations that the Ministry faces a lot of challenges in the future. This is more so in the areas of; access to the courts, reducing crime, and the integrity of the land informations it provides to the public.
269. The demand for more court sittings in the area of criminal and land law is always increasing. The Ministry can only do so much with the limited resources it is allocated in each reporting period.
270. A reduction in crime can only occur with appropriate programs design to rehabilitate and redirect offenders away from criminal activities. The Ministry is fortunate to have the support of government and non-government entities who are willing to support inmates and probationers.

271. Land is the most important asset for economic development. Therefore the need for an accurate and trustworthy Register of Land Titles is important in facilitating development in the Cook Islands. The Ministry will be focussing on upgrading the ELROT in the next reporting period.
272. The Ministry is very fortunate to have committed and dedicated staff. Despite the challenges, including insufficient resources and remunerations, they are determined to serve the public of the Cook Islands to the best of their ability.
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2014/2015 FINANCIAL YEAR – REPORT BY THE CHIEF JUSTICE

Introduction

- 1 This separate report forms part of the wider report prepared by the Secretary of Justice for public disclosure purposes.
- 2 Preparation of a separate report for the Judiciary recognises that the Judiciary, while organised and funded through the Ministry of Justice, remains separate to the Executive and to Parliament, and is responsible for upholding the Rule of Law.

Judicial Officers

- 3 The Court has a full complement of Judges of the Court of Appeal and High Court. We are fortunate to have judicial officers of the experience and calibre that we do.
- 4 The remuneration of Judges has remained static for many years. Moreover, reimbursement of expenses has not kept pace with actual costs. In some respects, Judges have been required to fund their own accommodation in order to provide judicial services to the Cook Islands. This is not satisfactory. Judges should not be out of pocket as a result of performing their duties. This has now been resolved.
- 5 The Cook Islands has a core body of Justices of the Peace who sit as lay magistrates in the High Court. These persons are not legally trained but the Court, in conjunction with various external agencies, provides training for them by way of workshops and other courses. Some of these take place in Rarotonga and some elsewhere (such as New Zealand).
- 6 The current JP jurisdiction is not well established by way of legislation and I have made recommendations for the jurisdiction to be restructured. There appears to be little official enthusiasm for this notwithstanding the recent decision of this Court issued in the *Samatua* matter where the Crown was found liable in damages as a result of botched proceedings undertaken in one of the Outer Islands. Pending legislative intervention, I have prepared a Practice Note to provide some structure for the jurisdiction (which is currently being circulated by way of consultation).
- 7 Despite these problems, the JP jurisdiction in Rarotonga generally works well. We are currently seeking to extend the core group of JPs who sit as judicial officers so as to ensure there is a proper succession process in place.

The operation of the Courts generally

- 8 All Judges and lay magistrates are part-time. Indeed, the Court does not sit full time. Having said that, there are different sittings of the Court conducted most weeks. This puts a heavy burden on the small number of Registry staff who are employed to service the Judiciary. It is fair to say that, in many respects, the Registry is under-resourced.
- 9 Part of the problem is that, as a result of laws passed by Parliament, the workload of the Courts has increased in recent years. For example, the creation of Land Agents able to act as advocates in land matters has resulted in a significant growth in the amount of work before the Courts. Yet no steps

have been taken to increase the resources of the Court, nor the sittings of the Court, as a consequence. As is noted in the Secretary's report, there are also resourcing problems arising from regulation of the Trust Companies.

- 10 The pressures are particularly acute in the Land Division and, to a lesser extent, in the Criminal Division.
- 11 The delays in the Land Division are not satisfactory. The number of land applications dealt with is significant but there is an unacceptable back-log nonetheless. Steps are being taken to organise extra sittings of the Land Division but it is too early to tell what difference these are making. I have discussed this issue with other Chief Justices of Pacific Island countries. Each reports similar concerns in relation to their land jurisdiction.
- 12 Part of the problem with the Land Division is the section 390A, Cook Islands Act, jurisdiction conferred upon the Chief Justice to set aside earlier land decisions vitiated by mistake or error. These can be very time-intensive but the nature of the jurisdiction leads, inevitably, to detailed (and lengthy) enquiry.
- 13 The other division of the High Court in which there are delays is the Criminal Division. Concerted efforts have been made over the last two years to reduce this back-log by way of judicial case management. In many ways this has been successful and the backlog has reduced considerably. Part of the problem is that trial by jury is available for many offences in the Cook Islands and there is simply not enough sitting time available to hear all cases in which trial by jury is elected.

Election petitions

- 14 During the reporting period the Court dealt with a significant number of election petitions. These hearings all needed to be conducted urgently and under extreme pressure of time. The hearings were conducted by Sir Hugh Williams and me. There were then appeals to the Court of Appeal which were, also, disposed of promptly.
- 15 The various Judges involved have all made recommendations to officials in relation to electoral reform. It is fairly plain there are significant flaws in the current law which can and should be addressed.
- 16 The extensive demands upon the Court to deal with the election petitions inevitably resulted in consequential delays elsewhere.

Audio-visual hearings

- 17 During the course of hearing election petitions (see discussion above), the Court ordered that some hearings in relation to the Outer Islands were to be conducted by audio-visual link via Skype. While there was some opposition to this approach, the hearings proceeded in terms of orders made. From the Court's point of view, the experiment was a success. Subsequent challenge by way of appeal to the Court of Appeal was dismissed.
- 18 The High Court has, subsequently, heard evidence from Penrhyn in the *Samatua* matter and Grice J reports that this was also successful.
- 19 The Court intends continuing to use this technology wherever possible. It should enable the Court to conduct hearings in the Outer Islands where, because of a lack of resources, it would not otherwise be able to conduct such hearings. This is critically important to the maintenance of the Rule of Law.

Complaints

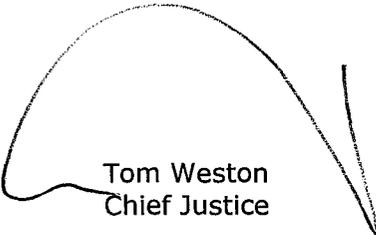
- 20 There has been one inquiry made in relation to delay in the Land Division which is in the process of being discussed between the complainant, the Law Society, and me. It reflects the resourcing problems addressed above.
- 21 There have been no specific complaints made against the Judiciary.

Pacific Judicial Development Programme

- 22 The Court has been a beneficiary of the PJDP programme funded by New Zealand and administered by the Federal Court of Australia. This programme has resulted in regular meetings of the Pacific Chief Justices as well as the provision of many courses and workshops for judicial officers sitting in the Cook Islands. The JPs have particularly benefited by this programme which funded the mentoring programme operated in conjunction with the New Zealand District Court at Manukau.
- 23 This programme, from 2016 onwards, will be known as the Pacific Judicial Strengthening Initiative (PJSI).

Conclusion

- 24 There are many challenges facing the Judiciary, most of which boil down to a lack of resources. Despite the lack of resources, the various judicial officers have discharged their duties fairly and promptly. While there is always room for improvement, I believe the Judges and lay magistrates deserve a vote of thanks for their service to the country.



Tom Weston
Chief Justice

Table B 14 PJDP Countries and how they report on the 15 indicators

PJDP Countries			Cook Islands	FSM	Kiribati	Marshall Islands	Nauru	Niue	Palau
			▲	▲	▲	▲	▲	▲	▲
2011 Baseline Report			1	1	4	14	2	1	11
2012 Trend Report			10	6	5	15	2	12	14
Type	Indicator								
1	Case Management Information	Case finalisation/clearance rate							
2	Case Management Information	Average duration of a case							
3	Appeals	The percentage of appeals							
4	Appeals	Overturn rate on appeal							
5	Access	Percentage of cases that are granted a court fee waiver							
6	Access	Percentage of cases disposed through a court circuit							
7	Access	Percentage of cases where party receives legal aid							
8	Complaints	Documented process for receiving and processing a complaint that is publicly available							
9	Complaints	Percentage of complaints received concerning a judicial officer							
10	Complaints	Percentage of complaints received concerning a court staff member							
11	Human Resources	Average number of cases per judicial officer							
12	PaCLII	Average number of cases per court staff							
13	Judicial Transparency	Court procedures or contributes to an Annual Report that is publicly available							
14	Judicial Transparency	Information on court services is publicly available							
15	Judicial Transparency	Judgments on PaCLII							



Publicly Available



Not Publicly Available



Judgments online but not available for previous year/ have court fee waiver provisions and/or circuit courts held but no data collected on number of cases/ produces an Annual Report but not clear how the public can access it.

PJDP Countries		PNG	Samoa	Solomon Islands	Tokelau	Tonga	Tuvalu	Vanuatu	
		▼	▲		▲	▲	▼		
2011 Baseline Report		6	1	3	5	5	9	6	
2012 Trend Report		3	5	3	10	12	1	6	
Type	Indicator								
1	Case Management Information	Case finalisation/clearance rate							
2	Case Management Information	Average duration of a case							
3	Appeals	The percentage of appeals							
4	Appeals	Overturn rate on appeal							
5	Access	Percentage of cases that are granted a court fee waiver							
6	Access	Percentage of cases disposed through a court circuit							
7	Access	Percentage of cases where party receives legal aid							
8	Complaints	Documented process for receiving and processing a complaint that is publicly available							
9	Complaints	Percentage of complaints received concerning a judicial officer							
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11	Human Resources	Average number of cases per judicial officer							
12	Human Resources	Average number of cases per court staff							
13	Judicial Transparency	Court procedures or contributes to an Annual Report that is publicly available							
14	Judicial Transparency	Information on court services is publicly available							
15	Judicial Transparency	Judgments on PaCLII							



Publicly Available Not Publicly Available Judgments online but not available for previous year/ have court fee waiver provisions and/or circuit courts held but no data collected on number of cases/ produces an Annual Report but not clear how the public can access it.