



**National Council of
Women of New Zealand**

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Wahine O Aotearoa

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**Submission to the Justice and Electoral Select Committee
on the Criminal Justice Reform Bill**

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 Nationally Organised Societies and National Members. NCWNZ has 31 branches throughout the country attended by representatives of those societies as well as some 150 other societies. The Council's function is to work for the well-being of women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to make this submission on behalf of our members.

This submission is written by the Justice and Law Reform Standing Committee based on input from branch members and NCWNZ policy. It has also been reviewed by a member of the NCWNZ Board and Parliamentary Watch Committee.

Introduction

The majority of NCWNZ members support this Bill and believe it may have the potential to reduce the high prison numbers in both the short and long term given that it provides some alternatives to imprisonment. Members' primary concern is the safety of the New Zealand public.

However, in order to maintain a reduction in the prison population, rehabilitation – through skills training, literacy and numeracy skills, parenting programmes, health programmes and addiction programmes – for all offenders is essential and needs to be funded adequately. Members applaud the provisions in the Bill that provide for offenders to undertake training in basic work and living skills.

Restorative justice is a viable alternative to imprisonment that is not provided for in the Bill. With restorative justice the victim and offender meet; the victim is able to confront the offender who accepts responsibility for his or her actions and reparation is made, all of which is conducted in a safe environment.

Of clear concern for members is the obvious need for early intervention not only in the cycle of offending but also for at risk young people, many of whom are tragically already on a journey to prison. More emphasis is needed on promoting good family life in our communities. Whatever way offenders are dealt with, there needs to be early intervention and treatment to deal with the causes of offending.

Part 1, Sentencing Council

Clause 6 Sentencing Council established

The majority of member responses supported the aims of the Sentencing Council and saw it as a positive step toward greater consistency in sentencing across the country. Of concern, however,





was the amount of weight the guidelines would hold as well as the amount of additional bureaucracy the Council would create.

Members believe that public perception to alternatives to imprisonment, which are largely media driven, will no doubt be that the new sentences are a soft option. The Sentencing council's prime task will be to convince the public that this is not so.

Clause 9 (a) (i) Purposes of Council

The aim of clause 9 (a) (i), which provides for consistency in sentencing practice between different courts and Judges, while helpful in providing transparency in sentencing, must at the same time allow for discretion on the part of Judges to enable them to consider special circumstances on a case-by-case basis. NCWNZ members question whether the Sentencing Council will have any power to reprimand Judges for not adhering to the sentencing guidelines.

Part 2, Amendments to Acts relating to Criminal Justice

Clause 38 New Section 15A (1) Sentence of home detention

Home detention becoming a sentence in its own right is seen as a positive step. It allows those offenders who are not violent or do not pose a risk to the community to remain in their homes and attend programmes or counselling currently offered in prison and, in some cases, to continue with their employment. For example, minor property offences could be dealt with by fines or home detention. Without full knowledge of the case, one member gave anecdotal evidence of a recent case where a West Coast fisherman was jailed for 18 months for fishing over the quota.

Clause 45 Community-based sentences

New section 44 (1) (a) provides for a sentence of community work, which is currently not generally a rehabilitative sentence. The new provision allows offenders to attend programmes and/or courses and then to have this time deducted from their community work hours. This offers a rehabilitative component that can be monitored and then removed if necessary if there is non-compliance by the offender with the sentence.

In order for community sentences to be effective, skilled, qualified and appropriately remunerated supervisors are needed. Supervisors should have pay parity with Corrections Officers to reflect the difficult nature of their work.

The savings from a reduction in the prison population should be used to increase the levels of formal support provided to people undertaking a community sentence. More often than not this kind of support is left to community agencies such as the Prisoners Aid and Rehabilitation Society (PARS) who are finding funding to support their work increasingly difficult to obtain.

It was also suggested that it would be beneficial if those who would normally be imprisoned for fraud or embezzlement were given the opportunity to work to repay debts rather than given a sentence of imprisonment.

**Clause 50 New Section 54A Sentence of Intensive Supervision**

It is believed that this sentence will target offenders who, at present, would be imprisoned with the expectation that rehabilitation would take place while on parole. It would be of great benefit to work with these offenders at the beginning of their sentence without the negative influence of the prison culture.

Clause 57 New Section 66A Court may authorise hours of work to be converted into training

The provision in new section 66A (2) – emphasis on the availability of training as an option for Courts or Probation Officers for the acquisition of basic work and living skills – is seen as positive.

Conclusion

NCWNZ congratulates the Government for this attempt to address the unprecedented growth in our prison population. However, for this legislation to be successful all political parties need to work together. The current climate of fear and misinformation promulgated by both the political parties and the media for popular support has created a disservice to all those involved in the Justice and Corrections Departments and New Zealand society as a whole.

Adequate resourcing for the provisions in this Bill, both financially and with appropriately skilled staff, is essential in order for its aims to be achieved. There needs to be willingness by Government to recruit, recompense and retain suitably skilled employees. Some members believe that our prisons lack suitably trained staff and that what is required is personnel who have the skills, patience and understanding of what it would take for an offender to become a valued member of society.

Many alternatives to prison have been used over the years – for example, periodic detention, probation, suspended sentences, and community sentences – with little or no reduction in the recidivist rate. In fact, these sentences have often become a conveyor belt to prison because offenders have breached their sentences. Other attempts have been made, such as the Panel Policy Review in the 1980s, which emphasised that imprisonment should be a sentence of last resort. This was followed by the Roper Report when habilitation centres were recommended.

A myriad of factors contribute to the causes of criminality such as lack of education, economic factors, relative poverty, child abuse and family violence as well as drug and alcohol abuse. Until all these issues have been addressed by Government, offending will continue to remain a major issue in our society.

The only true way to reduce the prison population is to close prisons and stop building new ones. While there are prisons they will be filled. Only those offenders who are a danger to others, that is, violent offenders, should be imprisoned.

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