



National Council of Women of New Zealand

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Submission to the Law and Order Select Committee on the Corrections Bill

Introduction

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 42 nationally organised societies. It has 34 branches spread throughout the country to which women from some 150 societies are affiliated. Its purpose is to work for the well being of women, families and society through research, discussion and action.

This Submission is prepared by members of the Justice and Law Reform Standing Committee. NCWNZ would like to thank the Select Committee for the opportunity to make comment.

Background

Since its beginning in 1896 NCWNZ has voiced concerns about justice and penal reform particularly in relation to women and children.

NCWNZ has previously made submissions to the Committee on Penal Policy Review (1981) and to the Ministerial Committee of inquiry into the Prisons System (1987). NCWNZ has extensive policy addressing concerns of the membership about the treatment of criminals, their rehabilitation and the needs of the Probation Service and Prison Reform:

Some of the earliest resolutions passed are still relevant today, e.g.:

12.7.5.2 *That in all punishment the chief object should be the reformation of the criminal and that all sentences for serious offences should be decided as to duration by the reform of the criminal. 1898*

12.10.1.1 *That in the opinion of this Council there is abundant evidence to show that our present treatment of criminals is not satisfactory, either as regards the criminal or society. 1896*

12.10.1.15 *That the National Council of Women urge the Government to set up a Committee of Enquiry to investigate the whole Penal System of New Zealand with special reference to:-*
c) *Remedial treatment of offenders with a view to their rehabilitation in the community, after care and supervision. 1949*

12.10.2.5 *That the Minister of Justice be requested by NCW of NZ Inc.*
a) *to direct that, especially in the cases of imprisonment for violent offending, the penalty aspect be accompanied by a properly supervised training programme, and*
b) *to obtain for the prison services increased provisions for meaningful psychological treatment and training in social and occupational skills for the inmates before they are released to work. 1974*



Comments on specific clauses

Part 1 cl 576 Purpose and Principles of corrections system

NCWNZ supports the Purposes and Principles of the Bill as listed. We applaud the fact that public safety is the first consideration in both the Purpose and Principles as the public do not always perceive this to be the case.

NCWNZ believes that the Bill should not lose sight of victims' rights and that although victims' interests are mentioned in the principles, victims rights should be a priority in planning the management of offenders. Given the intense public concern over recent years there ought to be a far greater acknowledgement of the interests of victims.

Part 1 cl 6 (f).

NCWNZ feels that this provision needs interpretation and/or clarification as we have difficulty understanding the intent of the wording "more restrictively than is reasonably necessary". We suggest that examples of restrictiveness be included.

Part 1 cl 6 (g)

We would like to suggest a minor change in the wording here with the removal of the word "may" to read

- (g) offenders must, so far as is reasonable and practicable in the circumstances within the resources available, be given access to activities that contribute to their rehabilitation and reintegration into the community;

It was felt that there is a need for objective assessment as to whether the activities do contribute to the offenders' rehabilitation, and that activities should refer to job training because it seems that if somebody has the skills to obtain employment they are less likely to offend.

Throughout the Bill the term "*within the resources available*" has been used. This is a cause for concern since it infers that if resourcing is not available then changes will not occur.

Part 2 cl 8 Powers and functions of Chief Executive

We approve of the change in the legal custody of prisoners. Now that the correction system involves community based sentences and home detention as well as custodial sentences and parole it is inappropriate to vest legal custody in prison managers. The Chief Executive has the statutory authority for the operation of the system.

Part 2 cl 24 Probation Officers

(1) states that "*There must be appointed ...as many probation officers as are required for the purposes of this Act or any other enactment*".

We are concerned about this as we believe they are under-resourced in terms of personnel. NCWNZ has resolved in the past:

12.10.1.17 *That the Government be asked to give consideration to increasing the staff of the Probation Service whereby increased use could be made of this form of penal treatment where circumstances justify.*
1959

12.10.1.18 *That the Government be asked to grant immediately sufficient funds to establish short term and remand prisons with a view to keeping first offenders apart from hardened or habitual*



offenders, and with a further view of relieving the present overcrowding of prisoners in institutions throughout New Zealand.
1960

We believe there must be much improvement in the staffing situation to prevent reoffending, which is currently occurring because of inadequacies in supervision.

One of the main points that recurred during research and discussion was that the Probation Service is short of both money and staff.

Part 2 cl 50 Management Plans

We applaud the inclusion of management plans for prisoners and the assessment of their health with efforts being made to provide resources for addressing individual health and safety needs.

The increase in numbers of women offenders and the types of offence committed mean that people affected by this clause may be women who have children or who are pregnant. Expert help and advice should be sought in the interests of family relationships.

Part 2 cl 53 Transfer of prisoners

Section 4 – we would suggest that a further subsection be added.

(d) to give consideration to the interests of the victim during the time of the transfer.

It is paramount that the victim is protected and if necessary informed of any transfer that may include the offender being in the community as part of the transfer operation.

There are some provisions under the Victims Rights Act 2002, which ensures the victim is notified, albeit, with conditions, namely “*if practicable*”, and as it appears under the Victims Rights Act 2002, 35 1 a) (i) ...(*other than a release of that kind throughout which the offender is to be accompanied by a member or members of the police*);... ” NCWNZ is of the opinion that legislation under the Victims Rights Act does not go far enough to protect the victim from potential contact as could arise during the transfer operation or to ensure the victim’s continued peace of mind.

Part 2 cl 54 (2) (a)

A prisoner should not be transferred from one prison to another simply because of a lack of space, as the transfer may interfere with a management or rehabilitative programme that is proceeding successfully in the original prison.

Part 2 cl 66 Work and Earnings

We are pleased to see that work is defined clearly in clause 66 section (6) as being intended to provide the prisoner with work experience to assist with their rehabilitation into the community.

Part 2 cl 69 Minimum entitlements

The committee supports the inclusion of the minimum entitlements of prisoners in the Bill. One concern is that they address cultural and religious differences but not necessarily the different gender needs of prisoners. In the 1987 submission to the committee of inquiry into prison reform the Christchurch branch of NCWNZ drew attention to the fact that the female population in prison is small and that their needs are often overlooked. We hope this is not the case with this Bill and that minimum entitlements are in line with Human Rights Legislation.

Women prisoners can suffer continuing anxiety about their families, particularly if they have young, dependent children and provision must be made for their frequent communication with their families, as closely keeping in touch can be a powerful incentive to getting out of prison and not re-offending subsequently.



Part 2 cl 77 Telephone calls

This details the entitlement of Outgoing telephone calls with the provision to impose conditions and maintain records of the telephone facilities by prisoners. We would recommend that this clause be extended to include the use of the Internet and email so that access to offensive, undesirable or dangerous material is denied.

Some women prisoners actively manage their families from inside prison, and NCWNZ suggests that the provision of subclause (3) to make at least one outgoing telephone call of up to five minutes duration per week should take into account the fact that closely keeping in touch with their families may be a part of such women's social rehabilitation.

Part 2 cl 98 Use of dogs for searching

We endorse the use of dogs for searching and hope that this greatly reduces the use of drugs by prisoners.

Part 2 cl 185 -186 Management of Prisons

The government should look for the most effective way of managing its prisons. As long as the government has overall oversight, it is perfectly acceptable to contract out the management of prisons.

Conclusion

Although one of the Principles is to ensure that things are done safely, securely and effectively, without funding this is simply not possible. NCWNZ recommends that not only should there be adequate funding for the corrections system, but also energy, effort and money should continue to be put into parent education, social education, youth rehabilitation schemes, industrial training and all such schemes that diminish the likelihood of there being a continuing criminal element within our society.

The ideal to aim at should be the development of a society where there is no longer a need for correction.

The Bill should not lose sight of victim's rights. Their interests need to be considered in decisions relating to the management of offenders.

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