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Report of Ministerial Committee of Inquiry into Violence

U.S. Department of Justice
National Institute of Justice

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Presented to the Minister of Justice
March 1987

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Report of Ministerial Committee of Inquiry into Violence

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ACQUISITIONS

Presented to the Minister of Justice
March 1987

COMMITTEE OF INQUIRY INTO VIOLENCE

Chairman

Sir Clinton Roper of Christchurch, Retired Judge of the High Court

Members

Mr M. R. D. Guest of Dunedin, Barrister and Solicitor and Dunedin City Councillor since 1977.

Mrs A. Tia Q.S.M., J.P. of Auckland with a long history in community and youth social work.

Dr A. P. McGeorge of Auckland, Psychiatrist and Family therapist, Director of the Adolescent Unit of Auckland Hospital Board.

Mrs B. E. Diamond of Wellington, teacher for 20 years and Senior Mistress at Wainuiomata College.

Sir Norman Perry M.B.E. of Opotiki, member of the East Coast Regional Development Council and consultant to the Whakatohea Maori Tribal Authorities on rural industry and work trusts.

Mr T. A. F. Withers J.P. Secretary (Former Registrar of the High Court)

Mr John Paerata M.A.(Hons) Research Officer

To the Hon. Geoffrey Palmer

MINISTER OF JUSTICE.

Dear Minister,

We, the members of the Committee of Inquiry into Violence, have the honour to submit for your consideration our report which you requested by

1 March 1987.

Yours sincerely,

C. M. Roper, Chairman

M. R. D. Guest, Member

A. Tia, Member

A. P. McGeorge, Member

B. Diamond, Member

N. Perry, Member

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INTRODUCTION

TERMS OF REFERENCE

On 28 April 1986 the Minister of Justice, the Hon. Geoffrey Palmer, announced the details of an Inquiry into Violence to be undertaken by a Committee consisting of Sir Clinton Roper (Chairman), Mr M. R. D. Guest, Mrs A. Tia, Dr A. P. McGeorge and Mrs B. E. Diamond. The Committee was to report its findings by 31 October 1986. The following are the terms of reference:

To report to the Minister of Justice by 31 October 1986 on practical steps which could be taken to reduce the incidence of violence and violent crime in the community.

In particular the Committee will:

- (a) examine the incidence of violence and violent crime
- (b) identify aspects of society which may contribute to violent behaviour
- (c) isolate areas which may require more extensive investigations, and
- (d) recommend specific steps which may be taken by the Government and people to combat the problem.

The Committee was directed "to invite submissions from interested individuals and groups and consult as it judges to be appropriate". The time for reporting was subsequently extended to 1 March 1987.

THE CONDUCT OF THE INQUIRY

On 1 May the Committee caused an advertisement to be placed in major newspapers throughout New Zealand. After setting out the terms of reference it read:

"The Committee which is not a formal Commission or Committee of Inquiry is anxious to hear from any person or organisation wishing to submit views related to the task given to the Committee.

The Committee will consider the submissions sent to it and will then decide on Public Hearings during which an opportunity will be given to elaborate on any submissions where the Committee considers this necessary or where the organisation or person requests that it make further submissions before the Committee. The Committee may also require those who made submissions to appear for questioning by the Committee.

The Committee has noted the very worthwhile submissions made to the 1979 Select Committee on violent offending. The Committee is particularly interested in receiving submissions which update the submissions made before the Select Committee, or which are directed towards practical suggestions to prevent the incidence of violence and violent crime.

The Committee will decide after the date for making submissions has passed what public meetings it will hold and those from whom it wishes to hear further. It is likely that the Committee will meet in Auckland, Wellington, Christchurch and Dunedin although it may consider meetings in other locations."

The advertisement called for submissions to be made by 10 June and it was soon apparent that the mode of advertising had been inadequate in that the notice appeared in "Public Notices", which are not widely read, and the time for making submissions too short.

By the end of May fewer than 100 submissions had been received and it was only the Minister's public announcement of his disappointment at the response, and an extension of the date to which submissions would be received, that ensured the success of the Inquiry at least in the sense that the Committee has now been provided with all the information and help it could possibly require.

By the end of the extended period for making submissions, 1330 written submissions were received from the individuals and organisations named at the end of this report. These were supplemented by "newspaper coupons" (referred to in more detail later), two petitions bearing some 13,000 signatures and oral submissions made at public hearings and Maraes. The result was a mass of informative material which will be invaluable for later more intensive study.

The Committee wishes to acknowledge with gratitude, that its task would have been impossible but for the dedicated and painstaking work carried out by its Secretary, Mr Withers, its Research Officer, Mr Paerata and its word processor operator, Felicia Hass.

In announcing the Inquiry the Minister said "the level of concern felt about the incidence of violent crime was such that measures which could be taken had to be taken". The massive response by individuals and organisations indicates clearly the full measure of that concern, which, if the report of the 1979 Select Committee on Violent Offending is any guide, has grown alarmingly over the years. In that report the Select Committee said—"Evidence of public concern at the violence in this country is found in the 155 submissions made by individuals and groups to the Committee."

The submission from the Justice Department indicates that there is real cause for the public's concern. In the last ten years convictions for violent offending have increased by 49% compared with an increase of 16% in non-violent offending. It is estimated that over that period manslaughter has increased by 234%, robbery and aggravated robbery by 229% and 174% respectively, and murder by approximately 115%.

The submissions came from 170 groups and organisations and people of all ages and from all walks of life and included many from school children, whose concerns echoed those of their elders. In the result the Committee has been presented with the views of many thousands of concerned citizens. We are grateful to them all for the helpful submissions received.

The Committee, at least in the early days, did not receive unanimous public support. There were three apparent reasons, and the first was the composition of the Committee and in particular the fact that it was headed by a former member of the Judiciary, which some saw as responsible to some extent for the increase in violent crime because of its sentencing policy. We think we can say with some confidence that the antagonism has not persisted, except from a few individuals purporting to advance the Maori perspective.

The second concern was the Committee's terms of reference which, some thought were not wide enough to enable the Committee to consider the plight of what have been referred to as "the forgotten people", namely, the victims of violent offending, whether by physical violence, or sexual violation.

The Committee itself had reservations whether concern for victims fell within its mandate but that problem too was overcome as we indicate in that part of our report dealing with "Victims".

The third problem, and potentially the most serious, was that by mid July very few submissions had been received from the Maori community. By then the Committee had received 1100 written submissions but no more than 10 had been received from those advancing the Maori viewpoint. The Committee felt that, a failure to be informed of the Maori view on a subject which was at least of equal importance to the Maori people as it was to the rest of

the population, (and probably of even greater importance), would make its report of very limited value.

To overcome this problem the Committee recommended that a further member be appointed to the Committee to assist Mrs Anne Tia in obtaining from the Maori community the co-operation necessary. It was appreciated that the written submission was not the Maori way and the Committee expressed its willingness to attend Maraes should it be invited.

It was in this climate that Sir Norman Perry was appointed to the Committee and thanks to the efforts of Mrs Tia and Sir Norman the third problem was overcome to a very large extent.

The Committee wished to avoid the laborious and time-consuming process of having all submissions presented at public hearings, and to that end written submissions were sought, those making them being asked to indicate whether they wished to be heard at a public hearing where they could explain or enlarge on the written submission already made. A number made that request, or indicated that they would be available for questioning by the Committee. In some cases the Committee itself asked individuals, who had not made written submissions, but whom it was thought could be helpful because of their particular expertise, if they would be prepared to meet with the Committee. Without exception they expressed their willingness to do so and we are grateful to them.

Public Hearings were held in Auckland, Wellington, Christchurch, Dunedin and Invercargill. The Committee also visited Gisborne, where there were said to be special problems, and Napier, where the Committee met with members of the Napier Pilot City Trust. It also visited the Taihoa Marae at Wairoa and attended a two day national hui, by invitation, at the Waiwhetu Marae in Lower Hutt, where it heard from individuals and representatives of Maori Trust Boards, Tribal Authorities, Trusts, gangs and community workers from many parts of New Zealand.

Apart from the Public Hearings, the Committee, or individual members, met and talked with people who had useful information to impart including some who preferred not to express their opinions and views before the media. Members visited prisons and talked with inmates and prison officers who had expressed a willingness or desire to be heard. Useful information was also obtained from the Justice Department of the United States of America, and the Home Office in the United Kingdom, and we are grateful for that assistance.

THE NEWSPAPER COUPONS

The Committee met, for probably the first time in any Inquiry, the phenomenon of the "newspaper coupon". Public minded citizens, at their own cost, but usually with a request for donations to defray the expense, advertised in a number of newspapers throughout New Zealand calling on readers to cut out and fill in a coupon of which this is a typical example:

"I/We recommend that a three year trial period be given to:

1. RESTITUTION for damage to property bearing interest until paid or restored.
2. CORPORAL PUNISHMENT for violent offences and other drug related offences. If a violent offender reappears a second time or more, the punishment would be doubled each time.
3. CAPITAL PUNISHMENT for murder and dealing in and pushing hard drugs.
4. The interest of the victim/s be paramount over the interests of the convicted offender.

The Benefits of the above should be:

- Offender will be encouraged to respect the property and person of others.
- The number of prison occupants should decrease rapidly.

- Tax-payers should save millions of dollars annually.
 - Extra money should be available to increase the strength of the Police.
 - Our homes and streets will be much safer for all citizens.
- “When the sentence for a crime is not quickly carried out, the hearts of the people are filled with schemes to do wrong.”

(The Wise Man)

SIGNATURE FULL ADDRESS

IF YOU REQUIRE MORE OF THESE SUBMISSIONS PLEASE PHOTOCOPY AND PASS ON TO FRIENDS.”

Many of these coupons were received by the Committee without alteration to the text. In others certain of the options, usually corporal and capital punishment, had been deleted, or other options, such as minimum sentences, added.

The Committee found the coupons useful as an indication of the widespread public concern about the level of violent crime and the sorry plight of victims, but in so far as they called for harsher punishments we were not prepared to give them the weight of reasoned written submissions. One response to the problem of violent crime which appears to have immediate appeal is for offenders to be dealt with more severely, and the simple filling in of a coupon calls for little consideration of the issues from an informed background.

THE COMMITTEE'S APPROACH

On receipt of each submission its content was analysed and entered into a computer under one or more headings where a submission covered more than one subject. The 12 main categories were—Sanctions, Media, Alcohol and Drugs, Education, Diet, Victims, Reparations, Weapons/Firearms, Policing, Maori/Pacific People, Gangs, Home and Family—and each main category contained a number of sub headings. For example the Sanctions category contained as sub headings: capital punishment, harsher prison conditions, mandatory minimum sentences, corporal punishment, community involvement in prisons, cumulative sentences, increased penalties and parole review. It then became possible to extract very quickly from the computer the numbers of the submissions which dealt with a particular aspect of one of the main categories.

It soon became apparent from the submissions that the Committee would have to consider, and make recommendations on, the short and long term answers to the problem of violence. It must be accepted that there are some criminals who are beyond reform, some younger people who will not be amenable to change, and some parents, who will not alter their ways and will always be inadequate. For them, and particularly the habitual violent offender, the short term answer must be found. The long term answer lies in finding ways to reduce the numbers that will, in the future, resort to violence or become inadequate parents and that means identifying those at risk and providing the necessary education, community support and counselling, or other help to meet it.

The Committee noted that many submissions considered violence to be a complex, yet learned, human response. Recognising the difficulty involved in eliminating violence altogether, the Committee recognised that, at best, it could only make recommendations which, hopefully, would reduce violence in the community to an acceptable level, and be implemented by both Government and the public. The causes of violence cannot be met by legislation alone. The Committee has also borne in mind that a complex problem like violence cannot be prevented in any simple way. Indeed there is the risk that attempts at simple solutions may, even if successful in reducing one form of violence, be counter-productive in dealing with another.

MAIN AREAS OF PUBLIC CONCERN (as extracted from the submissions)

The submissions demonstrated a widespread and concerned community preoccupation with violence and violent crime—particularly in its more public manifestations which are conveyed daily to the nation's homes by the media—homicides, rapes, gang incidents, hotel brawls, and the like. It is undeniable that contemporary news media serve to keep knowledge of violent acts regularly and routinely before the public. Many argued that as well as informing, such repetitive emphasis upon crimes of violence in the media had a tendency to create unnecessary feelings of fear and trepidation in the hearts of law-abiding citizens.

Apart from concern at public incidents of violence, the Committee also received significant numbers of submissions urging the Committee not to lose sight of a very much more prevalent, much less reported, but no less important form of violence, namely domestic violence in all its forms.

Not unexpectedly, the submissions expressed concern at violence in places such as hotels, clubs, fast-food outlets, city streets and other public places. Public places were also seen as the venues for inter-racial violence.

Numbers of hoteliers told the Committee, at public hearings, of brawls between ethnic gangs and other hotel patrons, and the Committee heard how the problem of hotel violence varied from region to region throughout New Zealand. Some areas—Northland and South Auckland—were cited as having particular difficulties, whereas some other areas experienced relatively low levels of hotel violence.

There were some submissions, though not a large number, which expressed concern about violence in sport, and on the roads. Road violence was viewed generally as being the product of youthful immaturity and aggression compounded, in far too many disastrous instances, by the prior consumption of alcohol. This was an area where the submissions identified the problem with few attempting to offer practical remedies.

Less easily quantifiable and identifiable is structural or institutionalised violence. Significant numbers of submissions (both written and oral) urged the Committee not to focus exclusively upon violence in its most obvious forms but to give due recognition to violence in its less overt forms such as discrimination, racism and sexism.

The vexed issue of television violence was the one single topic which elicited more comment and criticism (425 submissions) than any other single area of concern. There was no doubt at all in the minds of those who addressed this issue in their submissions, that the Broadcasting Corporation of New Zealand transmitted programmes which contained excessive amounts of explicit violence and that these programmes tended to have a deleterious effect on the minds and behaviour of viewers—particularly younger viewers.

Many submissions expressed concern with video recordings, being critical of the violence and explicit sexual content of videos and supporting stricter censorship and control.

235 submissions identified alcohol abuse as a prime source of violence both in the public and domestic situation.

There were 116 submissions regarding drinking and driving. A small number of suggested remedies for this social problem were advanced but there was little evidence of consensus. 22 submissions advocated the Court-ordered confiscation of motor vehicles used by convicted drunken drivers.

In the area of education, 106 submissions referred to the issue of corporal punishment in schools. There were calls for more effective discipline in schools but very few were unequivocal supporters of corporal punishment. The majority of submissions were of the view that behaviour-change and problem-solving is not facilitated by the use of legitimised violence.

68 submissions made reference to the use of corporal punishment in the home. Again, the great majority of submissions opposed corporal punishment as a form of discipline or control for the same reasons as its use was opposed in schools.

Regarding the use of corporal punishment as a formal, legal sanction, 163 submissions (of a total of 1330) were explicitly in favour, 128 were explicitly opposed and 1039 (or 78%) expressed no opinion.

Greater official recognition of, and concern for the victims of violence was the wish expressed in 268 submissions. The vulnerability of women, children and old people figured in 114 submissions. 48 submissions contained accounts of the person's own experience of being the victim of violence, or, in some cases, of the loss of a spouse or other family member as the result of violence.

Notwithstanding the self evident potential of firearms as a means of violent offending, only 35 submissions addressed the issue of more stringent controls over firearms. Only six submissions considered that penalties for firearm offences were inadequate. 17 submissions were concerned with the citizen's right to use firearms in self defence if, in that person's perception, the Police were unable to provide adequate protection for the community.

Nearly one hundred submissions considered that there was a need for increased front-line Police staffing to counter growing levels of crime and particularly violent crime, and a similar number discussed the way in which the Police operate. Some were critical of Police tactics such as "team policing" which was viewed as being often provocative and itself inherently violent or productive of violence.

The Maori and Pacific Island peoples' perspective on violence and violent offending was gathered primarily from a hui held at Wai Whetu Marae and other oral submissions. Few written submissions were received from Maori or Pacific Island groups or individuals.

74 written submissions viewed racism as contributing directly to violence or as being violent in itself.

Considering the consistent media attention they attract, it was surprising that the issue of gangs drew only 73 submissions. 44 submissions sought greater control over gangs and 29 called for the outlawing of gangs completely.

It soon became apparent from the written submissions and from Public Hearings that unemployment was a matter of very considerable community concern and was seen as one of the main causes of violence. Unemployment itself was viewed by some as a form of violence inflicted upon those sectors of society already economically and socially disadvantaged. In a more direct sense, unemployment was seen as tending to produce in some, attitudes of resentment and anger which manifested itself in violent reactions.

On the basis of written submissions alone, the areas of concern which attracted the greatest number of submissions were television and video violence, alcohol abuse, domestic violence, unemployment and curative education. When the newspaper coupons and petitions are taken into account, the prime areas of concern were the sentencing of offenders, and concern for victims.

DEFINITION OF VIOLENCE

The Committee's terms of reference refer to the "incidence of violence and violent crime", making a distinction between violence that attracts the sanction of the law and that which does not. It follows that the Committee had to work within a definition which encompassed both classes.

No one definition could adequately encompass the many and varied perceptions of "violence" and "violent crime" contained in the submissions.

The Oxford English Dictionary defines "violence" as "the exercise of physical force so as to inflict injury on, or cause damage to, persons or property" . . . and as . . . "treatment or usage tending to cause bodily injury, or forcibly interfering with personal freedom".

Such generalised definitions are adequate as far as they go. However, the Committee received many submissions urging it to adopt a much broader approach.

Representative of this wider viewpoint was the submission which suggested that we should extend the Inquiry to other more pernicious forms of violence . . . "including racism, sexism, state and institutional violence and economic policies which create unemployment, deprivation and poverty".

The Committee accepts that a restrictive definition of violence would be inadequate for its purpose and its terms of reference. Accordingly, this report does not confine itself to the causes of, and remedies for inter-personal aggression but attempts to address, in addition, what might be termed structural or institutionalised violence including racism, sexism and economic and social inequality.

Such a view allows the Committee to regard as violent the acts or omissions of social institutions which discriminate against certain sections of the population.

Any attempt to define violent crime itself necessarily involved the Committee in some formal legal considerations. However, as a working definition, the Committee took "violent crime" to mean unlawful acts of violence against the person being the sense most commonly accepted by the community. As an earlier study noted: "Such offences exist in the current law under the headings of murder, attempted murder, manslaughter, wounding and injuring with intent, assaults of all types, robbery, aggravated robbery and sexual violation".

THE UNPALATABLE TRUTH

The public, through the submissions made to this Committee, has expressed its concern at the increase in violence and has called on it to find solutions. It is not unfair to say that the public now has the community it deserves. For the last two or three decades permissiveness has gone unchecked; domestic violence is rampant; the "macho" image has been encouraged by advertising for commercial interests to the detriment of women; aggressive behaviour and violence in "sport" has become accepted; pornography has become accepted as the norm, as has violence in the visual media; racism has increased; economic inequality with its attendant stresses and frustrations has increased; illiteracy and lack of parenting skills are common and awareness of spiritual values is sadly lacking.

There are people who have worked to redress these trends but all too often they have been ignored or regarded as eccentric busybodies.

The Principal of a major New Zealand College has kindly permitted the Committee to use the text of a speech he made to the Justices of the Peace Association. These passages from it are very much in point.

"The greatest asset we have in this beautiful country of ours is our people. But, in particular, it is our young people. I believe they have an absolute right to be assured of a happy and worthwhile future.

If we fail to give this assurance then they, and future generations will have every right to criticise us for whatever weak excuse we put forward.

Sadly, I believe our generation has let our young people down. Most of us have not done so intentionally. Most parents whom I meet, and I do meet a large number

during the year, are very concerned for their children. But they do not know what to do to bring about change.

There is a Latin saying— Qui Tacet, Consentire Videtur ... "Silence means Consent".

I believe this has been one of our greatest faults. For too long too many good people have kept quiet and have allowed a militant and vociferous minority to bring about disastrous change in our society.

Another of our faults is we have deprived our young people of the opportunity of enjoying their teenage years. We expect them to be mature people instantly and, in so doing, we destroy their lives.

They are given easy access and, indeed, encouraged to try drugs, booze, and sex. For many, by the time they are twenty years old, they have lived and experienced a life time.

There is no further joyful expectation to look forward to. Is it any wonder that the emotional and physical scars have left them bitter, disillusioned, angry and violent? Is it any wonder they feel betrayed?

The greatest problem we have in New Zealand is that we are an undisciplined society.

There is an alarming lack of self control, self discipline, respect for self and respect for others. The Oxford Dictionary defines discipline as ... "training of the kind which produces orderliness, obedience and self control: the capacity for co-operation".

The lack of discipline is reflected at all levels in our community and it manifests in both physical and mental abuse—even a friendly game of sport can quickly erupt into violence. I find it difficult to blame completely our young people for the problems we are facing, because the bad example is coming from so-called mature adults. Bad example is illustrated by the analogy of the rotten apple in the case—it quickly corrupts. The young people's reaction is logical—it is the actions of the older people which are illogical.

If you want people to use obscene language then use it and then repeat it and then allow it to be expressed through the media. If you want people to be violent, show them the sickening and cruel detail. Make all this readily available and the young people will react accordingly.

And I am suggesting to you that we are all witnessing, and sadly some victims experiencing, the reaction and immoral backlash.

Violence and pornography are also big business.

Present the lesson and reinforce the message through repetition and you capture the minds of a large group of people.

The most vulnerable section in our community is our children because they are young and impressionable. They are more easily excited and exploited. This is especially true if a person is psychologically or emotionally disturbed.

Violence manifests in both verbal and physical abuse and more people are taking precautions to protect themselves. This is particularly frightening because of the widespread consequences. There is a challenge to all forms of authority. Frequently our Police, traffic officers, ambulance drivers, casualty personnel in hospitals, teachers and everyday citizens, are subjected to abuse and intimidation. And I could go on and on with sickening examples of this breakdown in discipline, self control and respect."

The passages quoted state basic truths which should not be overlooked. We agree in principle with the views expressed.

The prevention of violence requires an overall perspective of the factors contributing to its development.

While a paradox exists in the fact that violence has enabled new and occasionally better social orders to come into being, in a society purporting to be just, it is a symptom of social disease.

There are many causes and many symptoms of violence. Each can be approached and treated in many ways.

The recommendations in this report may loosely be categorised as long and short term. We believe that the resolution of the problem of violence in New Zealand and the establishment of a more gentle society requires a concerted and simultaneous effort on many fronts.

It is for this reason that we strongly urge the adoption of all of the recommendations as a package designed to lead to a community relatively free from violence.

To adopt only the short term recommendations would not result in long term community harmony. To adopt only the long term measures would not lead to any noticeable difference for a term of years. We believe our recommendations treat the problem as a whole and should be adopted accordingly.

No one can afford to be complacent about the problem. Violence occurs by acts of commission and omission and we are all responsible.

SUMMARY OF RECOMMENDATIONS

(For the full text of the recommendations see the body of the Report)

ALCOHOL

1. That the recommendation of the Working Party on Liquor that the number of liquor licences be reduced to four to replace the present multiplicity of licences and permits be adopted.
2. That the minimum drinking age be retained at 20.
3. That there be no extension of the present drinking hours.
4. That bars observe an afternoon closure between the hours of 2.00 p.m. and 4.00 p.m.
5. That there be no extension to the existing range of liquor outlets.
6. That the obligation to provide public bar facilities be abolished by appropriate amendments to S187 of The Sale of Liquor Act 1963 with consequential amendments to S188.
7. That the Trespass Act be amended by providing "nothing in the Sale of Liquor Act shall denigrate from the provisions of this Act."
8. That positive action be taken towards the establishment of smaller bars.
9. That the whole issue of liquor advertising, and particularly advertising at sports grounds, be the subject of further investigation.

CRIME COMMISSION

1. That the desirability of setting up a Crime Commission be further investigated.

DIET

1. That those in Medical Schools and Departments of Home Science who have an interest in the subject be encouraged to carry out that research.

DRUGS AND SOLVENT ABUSE

1. That the focus of intervention should be on funding those community groups offering care to the solvent abuser such as the Otago Solvent Abuse Crisis Centre which operates in conjunction with Government departments and Specialist Hospital Units.
2. That the provisions of the Children and Young Persons Act be applied so as to allow an officer of the Department of Social Welfare, or a Police Officer to take a child or younger person (as defined in the Act) to a Crisis Centre or a Child and Family Unit with a follow-up complaint to be lodged with the Children and Young Persons Court within 48 hours.
3. That in addition to the Crisis Centres or Units, support be given to those groups by way of making Government facilities available for residential programmes and "outdoor pursuits" to cater for the needs of "hard core" chronic abusers.

EDUCATION

1. That school committees, P.T.A.'s, Boards of Governors and school staff recognise that they all have a responsibility to work together to establish community involvement. This should include tribal authorities and Marae committees and Pacific Island groups where appropriate.

2. That there be an immediate increase in the length of training for kindergarten teachers and child care workers.
3. That there be equal status for teachers in the total field of education.
4. That realistic teacher/child ratios be provided in centres and kindergartens.
5. That adequate and equitable funding of early childhood services be provided.
6. That the Education Department continue and extend the programme to assist low achievers by ensuring that reading recovery tuition is available for all children who require it.
7. That the existing reading recovery programmes be taken as a model for assisting young people with difficulties in other areas of the curriculum, specifically mathematics. This would require a research programme to be established.
8. That the concerns expressed in the SPELD section be met by providing more release time for primary teachers, and for an extension of the remedial services in secondary schools. This would enable them to work with individuals or small groups if they wish.
9. That the Education Department assess the Otara Reading Programme with a view to its incorporation into the existing remedial programmes.
10. To hasten the spread of Taha Maori and to put more specialists into the field we recommend.
 - (a) That more Maori teachers and teachers of Maori be recruited.
 - (b) That schools be encouraged to include Taha Maori, and to share successful experiences, with time being allocated for this.
 - (c) That teachers, principals, advisors, teachers college lecturers and inspectors, be instructed in the recognition of racism and its effects and be alert to take active steps to eliminate it from schools. Resources should be provided to this end.
 - (d) That teachers be given the opportunity to become familiar with Maori Kawa (protocol and procedure) in all its aspects, and to learn the language.
11. That all teachers at all levels be given opportunities to discuss and implement Peace Studies as soon as possible, and that resources necessary to that end be made available.
12. That the public be informed of the true nature of "Peace Studies", the title being ambiguous.
13. That the Home Economics Forms 1—4 Syllabus and the Health Education Syllabus become part of the compulsory core curriculum in secondary schools. Both are important to good parenting and a reduction in family violence.
14. That all teachers required to teach the Home Economics Forms 1—4 Syllabus and the Health Education Syllabus, be given inservice time to become familiar with the subjects and to share experiences.
15. That the Departments of Health and Education investigate the need for qualified nurses to be part of secondary schools' and intermediate schools' staff.
16. That these nurses be paid a rate commensurate with other nursing professionals within the workforce.
17. That the Departments of Education, Social Welfare and Health combine with local authorities to run parent education courses, similar to those run by Parents' Centre, Parentline and various Religious Social Services. These should be held where they will attract the largest group of parents. Schools could be the base, or the local Marae committee or a church group could be the hosts.
18. That the Committee endorse the idea of a national network of parent support groups.

19. That teachers at all levels be made aware of the support systems available to assist with potentially violent children.
20. That the Department of Education examines the support systems available with a view to reducing the delay between the request for assistance and its provision.
21. That Child and Family Units receive increased priority in the way of establishment and staffing as a matter of urgency and that they be community-based and easily accessible, particularly to teachers.
22. That the Departments of Education and Police introduce the "Keeping Ourselves Safe" programme into all schools as soon as possible.
23. That the role of Police and Traffic Officers in education be given a higher profile, and that extra staff and resources be provided to that end.
24. That the New Zealand Law Society and the Departments of Education and Justice give consideration to basic instruction in the law being introduced into schools.
25. That the Departments of Education and Labour continue to share their concern for adult education but that adult education be assigned a higher priority with increased funding provided.
26. That the concept of an Open University/University of the Air be investigated by The Broadcasting Corporation of New Zealand and University authorities.
27. That support, in principle, be given to the proposal of the Minister of Education to eliminate the use of corporal punishment in schools.
28. That schools electing to continue with the use of corporal punishment should be called upon to justify their reasons for so doing.
29. That in association with No. 27, that inservice training in alternative methods of classroom control be provided. This could be an extension of the "Teacher Effectiveness" programme.
30. That class size is a factor having a bearing on maintaining effective classroom control, and that the necessary steps towards establishing smaller classes be implemented as soon as possible.
31. That urgency be given to the implementation of The Johnson Committee Working Party's recommendations (with the possible exception of recommendations 19, 20 and 21, which relate to creches and kindergartens to be attached to schools and to be used by senior pupils in child development and the like).

FIREARMS AND OFFENSIVE WEAPONS

1. That there be stricter control on the import, manufacture and sale of knives and other articles capable of being used as weapons and having no manifest legitimate use.
2. That the law in relation to unlawful possession of knives (S.13A Summary Offences Act) be amended by increasing the maximum penalty for possession to two years' imprisonment: (this will probably need a transfer of this particular offence so that it comes within S.202A of the Crimes Act).
3. That the law be amended by providing that for a second offence of being unlawfully in possession of a knife (S.13A Summary Offences Act) or of an offensive weapon or disabling substance (S.202A Crimes Act) committed within two years of the earlier

offence, the offender is to be imprisoned, unless the Court is satisfied that because of the special circumstances of the offence, or of the offender, he should not be so sentenced.

4. That SS 45 and 46 of The Arms Act 1983 be amended to provide for a maximum sentence of two years' imprisonment in lieu of the present penalties of three months' imprisonment or a fine of \$1,000.
5. That a specific publicity programme in relation to the above proposed changes to the laws, be launched by the Justice Department prior to the passing of legislation so that all New Zealanders are aware of the shift in emphasis inherent in them.

GANGS

1. That the Police review their whole attitude to the question of gangs.
2. That where there is use of any land or building which gives rise to an objectionable element, any person or any member of the Police may apply on notice to a Judge of the District Court for an order that such objectionable element be moved or reduced.
3. That the media review its policy regarding gang activity coverage.
4. That the Ministry of Defence and such other Department or groups as may be involved, should meet to discuss the proposal that persons having criminal convictions be eligible for enlistment in the Army.

HOME AND FAMILY

Prevention/Education

1. That adequate funding be allocated by the Department of Education for quality Day Care to provide for the needs of young children who have parents that between them are not able to provide continuous care for economic or health reasons.
2. That Kohango Reo and Maatua Whangai, receive more adequate funding and that the Department of Education's plans to integrate the work of the former in early school life, be expedited and supported by schools, service clubs and community organisations.
3. That the male image, as portrayed in the media, should include emphasis on co-operation, non-violent conflict resolution, and non-sexist attitudes and the importance of fathering.
4. That the media encourage tolerance and respect for families of ethnic backgrounds and cultures by programmes and images reflecting the multicultural nature of New Zealand society.
5. That unemployed workers groups and those agencies concerned for their welfare receive information about the means by which they can alleviate the adverse effects unemployment has on family life, and additional resources so that they may help such families or families at risk.
6. That Hospital Boards and Social Welfare specialist units be given support and funding with a view to identifying and supporting vulnerable mothers at the pre-natal, post-natal and pre-school stages. The programme of the Acorn Club, pioneered by the Dunedin Hospital Board, is recommended as a model for peri-natal service.

7. That the Committee for Children be empowered and funded to act as the national body acting as the advocate for the interests of the "child".

Intervention/Treatment

1. That the Police adopt the methods applied and evaluated by Sergeant G.W. Ford, M.Soc.Sci. in Hamilton and his recommendations that in cases of domestic violence.
 - (a) Police called to a domestic dispute arrest the offender, whether or not a complaint has been made by the victim, where there is clear evidence of an offence.
 - (b) Referral to treatment agencies be automatically initiated in all such cases.
2. That Courts ensure that applications for non-violence and non-molestation orders be treated in all cases as being of the utmost urgency.
3. That those responsible for intervening in family violence in the first instance, ensure so far as is possible, that the offender is removed from the home rather than the victim, and that this measure apply to both child and adult victims.
4. That the provisions of the new Children's and Young Person's Bill be given wide publicity in the media, and in particular the provisions relating to the mandatory reporting of violence towards children and the establishment of Child Protection Teams.
5. That Women's Refuges and Rape Crisis Centres continue to receive support and adequate finance to carry out their work.
6. That those groups responsible for "Anger Management" programmes receive recognition and funding.
7. That additional facilities and funding be made available for the Specialist Child and Family Units presently operated by Hospital Boards and the Department of Social Welfare; and that a National Conference be held to assess and make recommendations on the availability of such specialist services.
8. That in the event of injury to, or the illness of the parent responsible for the home care of a child, the Department of Social Welfare, provide adequate benefits to enable the employed parent to assume the care of the child.
9. That those caseworkers likely to be dealing with, and intervening in, family violence, receive special training in the recognition, assessment and management of family violence in courses, that give due attention to ethnic and cultural differences, and family and community relationships.
10. That health, professional and community workers be alert to the danger that the aged in care may be the subject of abuse.
11. That before any treatment programme, whether "Anger Management" or run by Child and Family Centres is funded, a programme for the evaluation of its effectiveness must be submitted to the relevant funding body.
12. That in the case of violent offending against members of the offender's family, the counselling provisions of the Criminal Justice Act 1985, be used more regularly than is presently the case.
13. That a National Advisory Council on Family Violence be established, (incorporating the National Advisory Council on Child Abuse) comprised of representatives of professional and voluntary groups with the aims of establishing the incidence of violence and sexual violence on family members, coordinating the resources available for the treatment and prevention of family violence, and publicising their findings and recommended remedies.

MAORI PERSPECTIVE

1. That the Departments of Justice, Social Welfare, Labour and Maori Affairs have already pledged themselves to the establishment of Cultural Advisory Units and the Maatua Whangai programme, and we recommend that they coordinate their endeavours with those of the New Zealand Federation of Maori Authorities, the New Zealand Maori Council and the Maori Women's Welfare League.
2. That pilot schemes be set up, supported by the relevant Departments of Government, so that the initiatives of the Maori people can be brought to bear on such areas as families and children at risk, education, disadvantaged groups, potential and actual violent offenders, rehabilitation of those released from prison, and a degree of participation in the Court system.
3. That Criminal Justice Advisory Councils as provided for in S.134 of the Criminal Justice Act 1985 be set up without delay *and that* emphasis be given to Maori membership or Pacific Island membership in those districts where it would be appropriate.

NAPIER PILOT CITY

1. That there be full co-operation between the Heads of relevant Government Departments in Napier (or their nominees) and the Trust by attendance at meetings called by the Trust, active encouragement of its aims and the provision of resources, whether financial or by secondment of staff, to enable the Trust to meet its goals, carry out research, and evaluate the effectiveness of its programmes.
2. That other local authorities in New Zealand acquaint themselves with the work that is going on in Napier with a view to conferring and applying proven remedies.

POLICE

1. That the Police staff establishment be increased.
2. That there be an Inquiry into what additional resources the Police might reasonably require.
3. That the desirability of the continued use of Team Policing sections be reviewed.
4. That the Police Department set up a Cultural Advisory Group similar to those already established by the Departments of Justice, Labour and Social Welfare.
5. That the Youth Aid section of the Police be greatly expanded and that appropriate numbers of additional staff be provided to work in this area.
6. That there be further investigation by the Police and the Department of Justice of the "diversion" concept as an alternative to prosecution.
7. That there be incorporated in the Police training programme instruction in the protocol, philosophies and values of Maori and other cultures, with qualified Maori elders being enlisted to aid in such programmes.

PRISON AND COMMUNITY SERVICES

1. That the Departments of Justice, Health, Social Welfare and Maori Affairs investigate whether the needs of Maori offenders might be more appropriately met by Marae-based programmes.
2. That the Departments of Justice and Health confer with a view to determining what funding and training are necessary to meet the need for forensic psychiatrists.

3. That prison authorities be encouraged to make access to the prisons more freely available to recognised groups and individuals working in the area of alcohol and substance abuse.
4. That the Department of Justice consider with some degree of urgency the desirability of a computer based system which would define the major rehabilitative needs of inmates and then link the inmate with those groups, agencies or individuals most likely to be able to meet those needs.
5. That the Department of Justice gives sympathetic consideration to requests for funding from recognised groups wishing to establish therapeutic communities for released inmates along the lines of the "Salisbury Street Foundation".
6. That homes for constitutionally impaired, mildly subnormal offenders, be supported by the Department of Health.
7. That where an offender is imprisoned for family violence an opportunity be provided for counselling of the offender and the family should it be requested and consented to by the parties.

SENTENCING AND ALLIED MATTERS

1. That the "short, sharp shock" of 7 days' to 3 months' imprisonment should be the subject of further investigation.
2. That such short sentences should be served in spartan conditions of such a standard that prison is seen as a place to be avoided.
3. That there be no remission or parole for such short sentences.
4. That the problem of the recidivist offender is well worthy of further study.
5. That Section 5 of The Criminal Justice Act 1985, which provides that violent offenders be imprisoned except in special circumstances, be amended by substituting two years for five years in Subsection 1(a).
6. That there be an amendment to the same Act to provide for imprisonment except in special circumstances where the offender is convicted of any act of violence, and has within the two preceding years been convicted of **any** act of violence.
7. That the half sentence parole provisions (pre-remission release) be reviewed as a matter of urgency.
8. That where the sentence is for life, the offender shall not be eligible to be released on parole until after the expiry of 10 years.
9. That new offences be established, of failing to appear contrary to the condition imposed in the bail bond, with a maximum penalty of twelve months imprisonment; and failing to comply with any other condition of bail, with a maximum penalty of three months' imprisonment.
10. That an offender convicted of **any** offence of violence committed while on bail for **any** offence shall be sentenced to a full time cumulative custodial sentence unless the Court is satisfied that because of the special circumstances of the offence or of the offender, the offender should not be so sentenced.
11. That the District Court have the same power as the High Court to impose such conditions of bail as may be appropriate in the circumstances.
12. That urgent steps be taken to set up a priority procedure for the defended hearings of all offences involving violence, whether before a jury in the High Court or the District Court, or before a Judge alone.

13. That there be a legislative provision to the effect that on sentencing no regard is to be had for the fact that the offender was affected by alcohol or drugs at the time of the commission of the offence.
14. That Courts give consideration to ordering attendance at an "Anger Management Course" as a condition of a sentence of supervision, or as part of the programme of a sentence of community care.
15. That with the consent of the inmate, prison authorities inform the family of every prisoner or any accredited welfare group that has been associated with any prisoner of the date and time of the inmates' release one month before the release date.
16. That the Justice Department adopt a policy of informing the public of the full circumstances of a case and of the offender, where there is public criticism of a particular sentence.
17. That the Criminal Justice Act 1985 be amended as a matter of urgency, to allow a supervision order to be made to take effect on the expiry of a term of imprisonment.
18. That separate waiting rooms be made available for prosecution witnesses at all defended hearings.

T.V. VIOLENCE

1. That the recommendations on television violence contained in the Report of the Royal Commission of Inquiry into Broadcasting and Related Communications be adopted with two reservations. The first reservation concerns the "watershed commercial" to indicate the end of family viewing. The Committee recommends a reduction in violent viewing across the board. The second reservation concerns the need for further research. The Committee sees no good reason for further research.

VIDEO VIOLENCE

1. That a video labelling body be independent of the video industry and have the skills to truly evaluate what might be injurious to the public good.
2. That pornographic, and the more violent recordings should not be openly displayed, with their hiring to be arranged through a descriptive brochure.

UNEMPLOYMENT

1. That schemes targeting those groups previously benefiting from the Contract Work Scheme be commenced with opportunities to acquire managerial skills; resulting in contracts which are fair to all parties.

VIOLENCE IN SPORT

1. That referees, administrators and others who are in a position to control sporting conduct, shall review their stand with a view to eliminating gratuitous violence in sport and enforcing existing penalties.

VICTIMS

1. That the brochure prepared by the Criminal Investigation Branch of the Auckland Police (Central Division) be adopted throughout New Zealand as an interim measure.
2. That Crisis Intervention Training be introduced for those members of the Police whose work will bring them into contact with victims.

3. That the Committee supports the Victims Rights Bill in principle but recommends that it provide for victim's participation in Bail Hearings following charges of sexual violation or assault.
4. That relevant Government agencies and community groups meet to discuss how best the emotional and psychological needs of victims may be met.
5. That in each A.C.C. office, one person be appointed as a Victim Liaison Officer, who can bring to the task the additional sympathy, care and understanding such claimants require.
6. That the Justice Department supports the intended study by the Institute of Criminology into "the dimensions of risk".

THE PSYCHOLOGY OF THE VIOLENT OFFENDER

1. That a National Youth Development Scheme be established.

PREVIOUS REPORTS ON VIOLENCE AND SUBSEQUENT DEVELOPMENTS RELEVANT TO THEIR RECOMMENDATIONS

One problem the Committee faced, and this came from both Maori and Pakeha, is encapsulated in the cry made to the Committee, "We've been through all this before to no purpose". We therefore think it relevant to inquire just what has been accomplished by earlier inquiries and reports. (What follows is basically a brief summary of the comprehensive material contained in the Justice Department submission).

There have been three official inquiries in New Zealand in the last ten years relevant to the issue of violent offending. They were the 1979 Report of the Select Committee on Violent Offending, the 1981 Report of the Committee on Gangs, and the 1981 Report of the Penal Policy Review Committee. The last mentioned was more concerned with the treatment of offenders generally and many of its concerns and recommendations go beyond violent criminal behaviour.

REPORT OF SELECT COMMITTEE ON VIOLENT OFFENDING 1979

This Committee was set up by the House on 16 December 1977 to:

"consider the incidence and causes of violent offending in New Zealand and means of reducing such offending, including the adequacy of the law and penalties relating thereto, and to make such recommendations as may be thought desirable."

It received 155 submissions and concentrated on the main areas of concern which emerged from them. These were, broadly, the influence of the home environment, the role of the education system, domestic violence, violence on television, the abuse of alcohol and drugs, the relevance of capital and corporal punishment, the adequacy of sentences and alternatives to the present sentencing system, and the protection of victims of violent offences.

Its recommendations included the following:

1. "Legislation should provide optimum conditions for socially desirable parental attitudes to family responsibilities".

The Select Committee recognised the difficulty of attempting to engender appropriate parental attitudes towards family responsibilities by legislation, and indeed none has resulted.

2. "The Committee believes that more obligatory counselling, in the cases of serious family breakdown which come to official notice, would be a positive beneficial development."

Since 1981 Family Courts have been operating in New Zealand, and there is statutory provision for counselling. The relevant legislative provisions are contained in The Family Proceedings Act 1980.

3. "The Committee recommends the establishment of Family Crisis Intervention Units in the main centres—these units to be available on call."

Units have not been established as proposed, but at least in Christchurch a Family Crisis Intervention Team has been set up attached to the Christchurch Public Hospital.

The Department of Social Welfare also provides funding to assist the operation of Family Support Schemes in Manukau, Palmerston North and Christchurch. The objectives of these schemes include the provision of support to families experiencing difficulties in parenting

tasks, household management or family relationships, and to assist community projects which support families.

4. "The Committee notes the possibility of identifying potential violent offenders, both parents and children, and recommends that medical staff, social workers and school teachers be encouraged to give special attention to such cases."

According to the Justice Department, this proposal still needs further research, both into the possible identification of new parents likely to become child abusers, and young children likely to develop violent tendencies, and also the means by which preventive measures can be developed and implemented, bearing in mind the need to avoid unnecessary infringement of rights to privacy.

5. "The Committee recommends that legislation be introduced to protect children in situations of high risk in their own homes and elsewhere, involving mandatory annual checks on children known to have been ill-treated."

No such legislation is on the books, but there has been an increase in the establishment of informal multidisciplinary groups who work in the area of child abuse.

6. "The Committee approves the automatic appointment of independent advocates for children involved in Domestic Proceedings."

Lawyers have been appointed by the Court to represent children in divorce proceedings for over 20 years but appointments have greatly increased since the coming into force of The Family Law Legislation in 1981. Under S162 of The Family Proceedings Act 1980, a Court may appoint a lawyer either to assist the Court or to represent a child who is involved in proceedings under the Act. A similar provision is available under S30 of The Guardianship Act 1968 as amended by S18 of The Guardianship Amendment Act 1980) with regard to Proceedings under that Act. Also under S26(2) of The Matrimonial Property Act 1976 the Court may appoint counsel to represent any minor or dependent children of the marriage in any proceedings under that Act if the Court considers it necessary or expedient to do so.

7. "The Committee believes that Refuges for the victims of domestic violence have a valid role in mitigating the effects of violence and recommends that the Government recognises this by assisting with their funding."

A Government Refuge Funding Programme commenced in October 1983 at which time there were 15 Women's Refuges affiliated to a national body. At 31 March 1986 there were 40 Refuges funded through the programme, with others being established.

8. "The Committee supports the establishment and growth of Family Counselling Centres. It recommends this as a function of voluntary organisations with Government support."

Family Health Counselling Services have been established under the auspices of Hospital Boards which provide funding for their operation.

9. "The Committee believes that measures aimed at reducing violent offending must take into account the factor of truancy, and recommends that the Education Department continues with, and if possible, expands its action in coping with this problem."

Teams comprising members of the Departments of Education, Social Welfare, Maori Affairs and Police have been formed to identify and follow up cases of truancy. Visiting teachers were included for a time in these teams.

10. "The Committee is satisfied that current procedures for the monitoring of violence in television programmes are adequate. However, it does urge television authorities to remain vigilant for material that could be linked with

imitative violent behaviour. The Committee stresses their responsibility in this area."

The Committee's satisfaction with the adequacy of television programme censorship procedures and other safeguards to ensure acceptable programme standards (which ensured, in the Committee's opinion, that the worst of the violence in overseas programmes was removed and that monitoring for violence was performed carefully) meant that it did not see the need for stricter censorship.

11. "The Committee endorses programmes such as *Outward Bound*, *Spirit of Adventure*, and *Tu Tananga Wananga for Maori Young*, and recommends that a National Youth Development Programme, as outlined in the text, be available to all young persons who have reached 16 years of age, as of right but not compulsorily; excepting that the Courts or other authorised agencies may direct any young person whom they consider may benefit from the programme to attend."

Such a programme has not been established.

12. "The Committee draws to the attention of The Alcoholic Liquor Advisory Council the evidence adduced that alcohol is a major lubricant of violence in the streets and in the home, and recommends that it encourage school programmes that teach children both the implications of drinking and that non-drinking is as socially acceptable as drinking."

In 1979 the Health Education Resources Project was established by the Minister of Education with the support of the Minister of Health, as a joint venture in which the Department of Education, the Alcoholic Liquor Advisory Council and the National Heart Foundation would participate to co-ordinate the development of health education resources for schools, and the Council funded the salary of an Alcohol Education Officer to work in the Education Department.

13. "The Committee suggests to the Licensing Control Commission the establishment of a dinner closing-time on an experimental basis to assess the effect on patron behaviour."

This suggestion was not implemented.

14. "The Committee accepts the need, recognised by The Alcoholic Liquor Advisory Council in its 1979 Report for improved facilities, for the medical supervision of acute detoxification and recommends that the Council give financial support to the establishment of *Assessment and Detoxification Centres*, in particular with regard to persons convicted of drinking/driving offences with a recognisable drinking problem."

In 1981 the Government passed The Summary Offences Act which came into force on 1 February 1982. Section 49 of this Act amended The Alcoholism and Drug Addiction Act 1966 by inserting a new section (37A) dealing with persons found intoxicated in public places. Subsection 1 states that the Minister of Health may, from time to time, by notice in the Gazette, declare any premises to be a temporary shelter or a Detoxification Centre. The section then empowers any constable finding a person intoxicated in a public place to take such person to a Detoxification Centre either immediately, or after detention in a Police Station for up to 12 hours if it is not possible or practicable to take them to their usual or temporary place of residence.

To date there is only one registered temporary shelter/Detoxification Centre in the country.

In 1983 The Transport Amendment Act (No 3) was passed. This provides that where a person had been convicted twice of any of a number of specified alcohol related traffic offences within 5 years of each other, the Court shall, in addition to the already prescribed penalties,

make an order requiring the person to attend an Assessment Centre. Assessment Centres are approved for the purposes of the Act, by the Director-General of Health. These community-based centres are widespread throughout the country.

15. "The Committee recommends that the Government gives serious consideration to amending the law relating to the control of public bars, giving the management of bars wider powers to control the serving of liquor on the basis of their own assessments of the desirability in the public interest of serving any particular person."

This recommendation was made virtually redundant with the Committee's own acknowledgement that The Sale of Liquor Amendment Bill before the House, was already proposing to give licensees and managers wider powers of discretion in refusing to admit persons to public bars; in ordering people to leave the premises and in refusing to sell, supply, or serve liquor to any person. The Bill was enacted in 1979 and duly became part of The Sale of Liquor Act 1962 (S188).

16. "The Committee recommends that an inter-disciplinary research project be mounted on victims of violence, involving The Medical Research Council, and all social work services involved."

The Committee suggested that a survey of New Zealand victims of violence be undertaken to ascertain their needs and problems and should include research into hidden victimisation and forms of negligence which amount to victimisation, and also examine whether emergency, and prolonged medical, psychiatric, psychological and social services should be provided for victims of crime, free of charge.

Such a study has yet to be undertaken.

17. "The Committee recommends that the Courts take note of hardening public reaction to the increasing number of serious violent offences when imposing sentence within the existing scale of maximum penalties."

Whether the recommendation had any effect on the Court's approach is impossible to say.

18. "Although it does not specifically appear as one of the recommendations, the Committee suggested early in its report that the Criminal Justice System should have greater emphasis on reparation and restitution, so that as far as possible, offenders compensate for, or repair the damage done to the victims."

The Criminal Justice Act 1985 introduced a new sentence of reparation for cases where the offence caused any loss of or damage to any property of another (S22).

REPORT OF THE COMMITTEE ON GANGS

This Committee was established in March 1981 and had a 4 week period in which to prepare a report for the Prime Minister on the gang situation in New Zealand.

Its adopted terms of reference were, inter alia, to analyse the current situation (i.e. the gang scene and the efficacy and relevance for gangs of current policies in the Government and voluntary sectors), explore the social conditions which give rise to gang membership and gang conflict, and recommend modifications to existing programmes, practices and policies, or new programmes and policies where necessary, and areas where further research was required.

The Committee received 95 submissions and obtained the views of an additional 116 people involved with the gang situation, including some gang members.

Due, no doubt, to the short time available to the Committee its report does not include any extensive analysis of the social, psychological, or economic background to the formation of gangs in New Zealand.

The Committee's recommendations, in so far as they are relevant to the present Inquiry and have not already been covered in The 1979 Select Committee Review, are as follows:

1. "Urgent study should be made of the assistance available to unemployed school leavers in the age group up to 16 years."

A new system of work-related training (ACCESS) is to be introduced by the Government and will be a key mechanism by which school leavers will be assisted in making the transition from school to workforce.

ACCESS will be phased in from 1 April 1987 and will supercede the Training Assistance Programme which is at present the primary Labour Department funded means by which school leavers are helped to acquire the skills required in the labour market, and is the first step in the introduction of the ACCESS concept.

2. "Funding should be available through the Department of Internal Affairs for co-ordinators of work groups, trusts and co-operatives."

Funding has been made available through the Work Development Scheme administered by the Department of Internal Affairs. Funding for twenty five Work Co-ordinators is available through the scheme but demand far exceeds the funds available.

3. "The Department of Internal Affairs should expand its Advisory Service by utilising the secondary staff allocation, to provide a first point of contact for groups seeking to participate in subsidised work programmes."

This recommendation relates to a need identified in the report for effective contact between gangs, work trusts and community employment groups "to help them to negotiate the system of employment and related policies and liaison between departments".

The recommendation was implemented by the Department of Labour through its Group Employment Liaison Scheme (G.E.L.S.) which began in April 1982.

4. "The Department of Labour should continue to encourage work groups such as gangs and other long-term unemployed, to make their own work proposals as part of a wider plan towards self sufficiency of all, or some of the group."

In relation to gangs the Group Employment Liaison Scheme mentioned above had application in this area.

5. "Closer liaison needs to be established between the Departments of Maori Affairs and Labour to set up pre-employment and skills training programmes which meet the needs of Maori and other Polynesian workers."

Closer liaison has been established between the Departments. In particular, the Group Employment Liaison Scheme officers employed by the Department of Labour, and the Kokiri Units established by the Department of Maori Affairs, have regular contact.

6. "The Penal Policy Review Committee should be urged to find alternatives to traditional custodial sentences, incorporating personal development and community involvement in order to divert offenders into a more acceptable lifestyle. It should also be asked to recommend greater use of non-association conditions in probation terms to assist individuals who wish to break away from gangs."

This recommendation was referred to the Penal Policy Review Committee by the Department of Justice and the Committee did, in turn, recommend the establishment of community-based sanctions. In addition to the already existing sentence of community service

which was introduced in February 1981, the Committee recommended the introduction of Supervision Orders (to replace probation), Treatment Orders and Community Care Orders and The 1985 Criminal Justice Act incorporated these proposals.

7. "Administrative and statutory provisions should be developed to give special priority to cases involving serious violence, in order to reduce delays between arrest and sentencing."

The Justice Department, in consultation with the Chief District Court Judge, set time objectives for the various stages of the criminal process but the majority of Courts had difficulties in meeting the objectives.

8. "The present laws and penalties on unlawful assembly and riot should be reviewed to make them more appropriate to present conditions."

This matter was considered jointly by the Justice Department and the Police but no change was sought as a result of their review. However, following the Queen Street riots in December 1984 and the Inquiry into the incident, a Riot Bill was drafted and introduced into the House in April 1986 to amend the law relating to riot.

9. "Greater emphasis should be given by the Police to preventive and community involvement programmes, especially in the youth 'at risk' area."

According to the Police Department it has placed greater emphasis on preventive and community involvement programmes, especially in the 'youth at risk' area. All community relations co-ordinators, community constables, Youth Aid staff and Crime Prevention staff have a specific duty in these areas.

In addition, the Police Department's Law Related Education Programme deals exclusively with young people on topics of the Police and the Law. There is also the Police School Liaison Programme.

10. "Gang premises should be required to comply with local authority by-laws, the same as other dwellings in the community."

The Committee was of the opinion that although local authorities had adequate by-law making and enforcing powers to control the existence of fortified dwellings and excessive noise, they were reluctant to use them. There appears to have been no change in the position.

11. "The Licensing Control Commission should exercise its powers to limit the size of public and lounge bars on licensed premises and District Licensing Trusts should limit or alter their buildings to alleviate the problems associated with 'booze barns'."

There is no indication that the position has changed.

12. "School authorities should be urged to open up their buildings for community use, especially in areas where there are few other usable covered spaces."

The Department of Education advises that it actively promotes the notion of school buildings being community resources and encourages schools to make their buildings available for community use.

13. "Encouragement should be given by Education Authorities, to implement programmes which will help young people establish lifelong recreational habits."

The Community Education Initiative Scheme (C.E.I.S.) was established by the Department of Education as a direct consequence of this report. Funds are granted to communities to assist

them in promoting and initiating programmes and activities for young people which aim to assist in establishing lifelong leisure habits and life skills.

14. "Continued efforts should be made by the news media to strike a balance between the public's right to know about gang activities and avoiding coverage that unnecessarily 'glamorises' these activities."

The Committee also raised the possibility that the media coverage fosters more consistently negative images of gangs than may be justified.

No change is evident.

THE PENAL POLICY REVIEW COMMITTEE

In 1981 a Committee, chaired by The Hon. Mr Justice Casey, was set up to review penal policy. The Committee's report, published at the end of 1981, provided the framework for the new Criminal Justice Act 1985. It established five working parties, two in Wellington and one each in Palmerston North, Auckland and Christchurch, and received about 270 submissions from organisations and individuals.

One of its specified aims was to consider changes in sanctions and dispositions and the objectives of those sanctions in relation to certain classes of offences which included offences involving violence. On the specific category of violent offences, the Committee concluded that:

- (a) the range of penalties for such behaviour was adequate;
- (b) there was no public concern they could detect on the level of sentences imposed by the Courts for violence;
- (c) mandatory minimum sentences should not be introduced in cases of serious crime.
- (d) more severe penalties by themselves do not seem to produce a greater deterrent effect;
- (e) in cases where the prospect of violence is premeditated, substantial custodial sentences are usually called for;
- (f) the real answers to violent offending lie with community attitudes and the influences to which offenders have been subjected over the years;
- (g) It would not be appropriate to impose a corrective training type regime on adults sentenced to imprisonment;
- (h) work programmes, such as will be available in regional prisons, will provide a more constructive way of dealing with offenders in all categories;
- (u) a prison environment is not conducive to rehabilitation or 'socially constructive orientation';
- (j) present release facilities for prisoners are inadequate.

Its major recommendations, in so far as they have a bearing on our Inquiry, and their fate, are as follows:

1. "That imprisonment be a penalty of last resort and the criteria for it, set out in Paragraph 121, be adopted."

The Committee proposed that where an offender had been convicted of a serious offence that endangered the life or personal security of others, that imprisonment was the appropriate sanction.

This recommendation has found expression in S5 of The Criminal Justice Act 1985.

2. "That there be an urgent review of the structure and level of maximum penalties."

The Committee saw such a review as serving three purposes; to enable the number of imprisonable offences to be reduced; to reduce the maximum terms of prison sentences that can be imposed for a substantial number of offences; and to enable the comparative seriousness of different offences to be made clearer.

Currently, The Crimes Act, which sets out the penalties for criminal offences, is being reviewed with particular attention to the appropriateness of penalties for violent crime.

3. "Parole should be restricted to indeterminate sentences (life and preventive detention) with persons serving a life sentence remaining eligible for consideration after seven years. If however, remission for long sentences was substantially reduced, parole should be applicable in those cases."

Under The Criminal Justice Act 1985, every prisoner is eligible for parole, either after serving half the sentence, or after seven years whichever comes first.

4. "That the mandatory life sentences for murder be abolished and replaced by life sentence as a maximum only."

The Government is considering this option in its review of The Crimes Act.

5. "That the throughcare concept be adopted in the management of prison sentences with appropriate arrangements for release towards the end of the sentence to assist reintegration into the community."

This is apparently the background to the provision in The Criminal Justice Act for inmates to be released early on parole by District Prisons Boards or the Parole Board, after serving half their sentence. When released on parole the Act requires that paroles be supervised by a Probation Officer and they may also be subject to participation in a programme specifically designed for their individual needs and any other conditions imposed, relating to place of residence, finance or earnings. In fact the Penal Policy Committee opposed "half-sentence parole").

6. "That Maori cultural and social contacts with young Maori offenders and prisons be fostered on as wide a basis as possible and involve interested non-Maori inmates as well."

The Maatua Whangai (Justice) Programme begun in late 1983, has relevance to this recommendation. This programme aims to integrate young Maori offenders into alternative caring and supervisory processes by means of "whanau" and "hapu" networks and Marae groups.

7. "That preventive detention be abolished provided a lengthy finite sentence can be imposed in appropriate cases where there is a continuing disposition and history of serious sexual or violent offending and where the Court is satisfied that there is a strong risk of repeated offending."

The Committee criticised this indeterminate sentence on two main grounds—that there was no rationale for its restriction to sexual offenders; and there were indications that its use was arbitrary and inequitable. Its unfairness was demonstrated by the fact that while many offenders are eligible for the sentence, few actually receive it, and for those that do, it is a disproportionately severe penalty.

THE PSYCHOLOGY OF THE VIOLENT OFFENDER

As an inmate at Paremoremo maximum security prison said "If you talk to every person in this block you will find different reasons for what each of them did." In so far as he was referring to the specific details of each offence and the individual background of each offender, we agree with his comment. Acts of violence, using that term in its widest sense, are infinitely variable, as are the motives behind them. They may vary from subtle but cruel emotional harassment, to the domination of one group by another by socio-political means, or yet again to the physical subjugation and maiming of another. Violent offenders do not lend themselves to generalisation.

Some violent offenders favour the use of physical violence, while others are motivated by sexual desire, as well as the need to wound and dominate. In some instances it is the desire to see their victims in terror which motivates, and in others, it is a matter of exacting revenge, or it may be simply a matter of achieving material gain. In the most extreme cases of violence the offenders attempt to gain symbolic power over another by humiliating and depriving that other of dignity in order to boost their own limited sense of self-esteem, or to gain stature in the eyes of others who share the same violent subculture and indulgence in cruelty.

However, in almost all cases, a disregard for the victim as a person, or an exaggerated view of a real or supposed negative characteristic possessed by the victim, is present. Such a failure of empathy and moral responsibility is a "dehumanizing" process. It enables the offender to cast out any feelings of sympathy for the victim and to justify the violence to himself. Such motivations, while ultimately dysfunctional, may serve to establish or maintain the identity and integrity of an individual or group, and they are operative in political terrorism, gang and family violence and in the psychotic world of the person suffering with dangerous paranoid delusions.

In family violence, memories of painful and humiliating experiences are often transferred to the offender's family as a whole, or to a particular member, the victim(s) being perceived in a distorted manner. It is often one characteristic of the victim that is the focus of attention. That characteristic may be perceived as positive or negative. It may remind the offenders of someone that was violent to them, or it may remind of some defect in themselves, or something they did which displeased a significant person.

In some instances family members are attacked because they fall short of standards that offenders establish in their own minds as essential to their own well-being, or, paradoxically, the well-being of the victims themselves. In other cases, such as incest, the victim becomes the subject of the feelings which the offenders have for their own partner and those feelings are generally a mixture of sexual desire and hostility.

While highly motivating, the processes involved may operate at an unconscious level, hence the need during treatment to focus initially on offenders becoming aware of, and taking responsibility for their actions. The same may also apply in cases of racial, gang and stranger violence. However, many otherwise gentle people may become violent under certain circumstances. Violence knows few boundaries as the horrors of recent wars and the experiments of Stanley Milgram, a social psychologist in the U.S.A. have shown. Given the license, the rationale and the power to do so even ordinary people can act cruelly to their fellow human beings. Indeed some submissions we received, suggested measures to combat violent crime which in themselves disregarded the principles of basic human dignity which are the marks of a civilised society. Once the constraints on violence are broken the chances of its being performed by an individual or group are increased several fold. A new norm is set and offenders become aware that many of the constraints on behaviour are illusory rather than real, especially if detection and punishment are not rapidly forthcoming. It is not uncommon, therefore, for there to be epidemics of violence as a consequence of particular acts of

violence. The same is as true of suicide in institutions, as it is of rape or gang assaults. Depending on how such situations are managed, new ways of responding can become structured into individuals, groups and communities. Where there has been an inadequate response, violence as an on-going behavioural pattern can become endemic.

However, violence does not occur in isolation. For every offender there is a victim and a variety of factors act on them both, resulting in an offence taking place. The following chart, which is taken from The Mental Health Foundation's submission, identifies the main factors which have been associated with the development and release of violence.

The factors range from the general to the specific, from the past to the present.

FACTORS THAT DEVELOP ATTITUDES FAVOURING THE USE OF VIOLENCE

Childhood experience of family violence;
Entertainment violence;
Traditional male sex roles;
Public attitudes to violence;
Lack of empathy towards others;
Poor anger management strategies;
Inability to tolerate frustration.

FACTORS LEADING TO FRUSTRATIONS WHICH COULD BE EXPRESSED VIOLENTLY

Low self esteem;
Educational failure;
Poor communication skills;
Family discord;
Conditions in institutions;
Racism;
Unemployment;
Poor housing;
Powerlessness;
Poverty.

FACTORS REDUCING CONTROLS ON VIOLENCE OR FACILITATING ITS EXPRESSION

Biological factors;
Alcohol and some drugs;
Environmental toxins;
Lack of neighbourhood intervention;
Inadequate policing;
Availability of weapons;
Knowledge of violent tactics.

Apart from the factors listed above, there is some evidence to support the existence of genetic factors which influence temperament. However, although some researchers, who identified extra Y chromosomes (male chromosomes) in certain offenders, felt that they may have discovered a genetic basis to criminality, there is little hard evidence to support inheritance of a disposition to violence.

Certain medical conditions such as epilepsy may lower a person's threshold of violence but this is more often than not in the context of other factors rather than a manifestation of the condition itself. Diet may be influential in ways hitherto barely recognised and it is also possible that hormonal factors influence the development of violence, especially the male hormone testosterone.

However, modern psychiatry and social psychology recognise that the most important factors influencing violent tendencies in an individual or group are learned social responses.

Such responses are learned primarily within the offender's family where the offender has been subjected, or at least exposed, to violence. They are also absorbed from the general culture of society, where violent attitudes prevail in the media, the workplace, and even in the course of recreational activities.

In this general context, it is important to emphasise the importance that "sexism" and "machoism" may have in developing a predisposition to violence. These attitudes were mentioned frequently in submissions.

The Committee feels that violence towards women, either overtly by group pressures, or explicitly by way of pornography, is of particular importance; and agrees with the many submissions made to it that where women are not portrayed as equal partners in relationships, and persons in their own right, their subjugation and exploitation is likely to continue.

Throughout this report the above factors will be referred to either singly or in combination, in terms of how they influence violence and how steps may be taken to reverse or alleviate their impact.

THE YOUNG OFFENDER

The young offender is emerging as an increasing source of concern. Fifty-six percent of all violent offences are committed by people between the ages of 15 and 24. A similar percentage of road accidents involve a similar age group; and one third of all suicides come from this age group. Alcohol and drug abuse is increasing rather than decreasing among their numbers. Even younger offenders are appearing in increasing numbers.

Some claim that the increases are explained by increases in the percentage of the population of this age group. However, while there has been a population "bulge" affecting the group it is not sufficient to explain their over representation among violent offenders.

The factors implicated in the causation of violence apply particularly to this age group. However, being young, their behaviour is often less fixed than it may appear. Therefore urgent action is required to reverse the trends evident in their behaviour to avoid the possibility of their becoming hardened criminals.

It was reported that many young people will respond to authorities and adults who are able to combine firmness and clear communications combined with an empathic respectful approach to them.

Special training and sensitivity are required for the recognition and management of the young offender. Submissions, such as Dr Robyn Hewland's, indicated that the young people likely to become violent at a later age may be recognised as young as four. It follows then pre-school and primary teachers need to be alerted to the signs of inappropriate aggression.

The comments and recommendations made elsewhere in this report regarding Kohanga Reo, tribal authorities and Marae based programmes apply, in particular, to the management of the youthful Maori offender. However, the comments and recommendations regarding Child and Family Units, corporal punishment, media pressures and unemployment apply to all ethnic groups.

The 1979 Select Committee Report "endorsed programmes such as Outward Bound, Spirit of Adventure and Tu Tangata Wananga for Maori young, and recommended that a National Youth Development Programme be established and that it be available to all young persons who have reached 16 years of age as of right, but not compulsorily; except that the Courts or other authorised agencies may direct any young person whom it considers may benefit from the programme to attend."

These approaches have been recognised as an alternative treatment strategy to "counseling", but no such National Youth Development Scheme has been established. We **recommend** that it be established.

THE MAORI PERSPECTIVE

INTRODUCTION

The Committee received submissions which dealt specifically with violent offending by Maoris, from all sections of the community. Some could be described as vindictive and blatantly racist, showing no real appreciation of the situation, while others were objective, recognising the seriousness of the problem, but revealing an appreciation of the reasons for it and holding out hope for the future. The Committee recognised that Maori offending was one of the most important issues in the Inquiry, and accordingly went to some lengths to obtain the Maori view. After some initial problems, with very few submissions being presented by the Maori community, the Committee, or individual members of it addressed, and heard from, the New Zealand Maori Council, and heard submissions from the Maori Women's Welfare League, and other groups and individuals at public hearings. The Committee also attended a hui at the Taihoa Marae at Wairoa and, by invitation, attended a two day national 'hui' at the Waiwhetu Marae in Lower Hutt where it heard from tribal authorities, elders, trustees and members of work trusts, representatives of gangs, social workers and former prison inmates.

From all this the Committee was able to obtain some insight into the Maori perception of the problem of violence, and the historical, social, cultural and educational factors which played a part in it. It also heard of the moves already underway in Maoridom to meet the problem by preventive and reformatory programmes.

The basic plea was that the incidence of Maori violent offending should be seen in the context of unequal interaction between indigenous and colonising cultures, with the Maori being overpowered and outnumbered, and subjected to foreign cultural values, institutions and lifestyle, in a country where they once had their own well established institutions for social control, justice and self-sufficiency.

Although this section deals with the Maori perspective, it is important to note that other sections of the report, for example Education and Home & Family, have equal importance for both Maori and Pakeha.

THE INCIDENCE OF MAORI OFFENDING

In the Police Department's submission is this comment:

"The Police believe one of the most important keys to successfully reducing violent crime is to reduce Maori offending."

In the Committee's opinion it is oversimplistic to lay substantial blame for the present state of affairs on one ethnic group.

Violence is a universal phenomenon which knows no boundaries of either time or place, it is not a question merely of economics, or social class, or ethnic origin or race.

However, it is true that disproportionate numbers of young Maoris are convicted for violent offending. There is no denying the problem is serious, but just how serious is difficult to determine because of the difficulties involved in compiling and interpreting ethnic statistics.

There appear to be inconsistencies between the methods of ethnic identification used by the Police, the Justice Department and the Census. According to the Justice Department's submission, the Police determine an offender's ethnicity by asking the offender, but, in practice, this is not always done; rather a judgement is made about the ethnicity of an offender based on the offender's appearance and name. It follows that statistics presented on this basis relate to perceived rather than actual ethnicity.

This comment, made to us at a Public Hearing, is very much to the point.

"Statistics dealing with Maori offending are frequently the result of casual observations of non-Maori Police Officers. This is not only culturally arrogant but is also likely to result in a higher number of people being classified as Maori through the criminal records than through the Census. The custom may reflect the cultural stereotypes of officials rather than the offending patterns of Maori people. For Police to describe crime figures as a race issue, is the wrong way to go about it. The real cause is socio-economic."

Another factor which inflates the Maori violent offending statistics is that about 75% of violent offending is committed by those under the age of 30 and the Maori population has a particularly high percentage of youth. It is also significant that Maoris are over represented in the lower socio-economic order and the unemployed, resulting in frustration, powerlessness and loss of self-esteem—all factors which develop attitudes leading to the use of violence.

RELEVANT HISTORY

The Treaty of Waitangi has been discussed and debated times without number and we have no desire to add to the wealth of material already available. However, we do regard the conclusions of the Bi-Cultural Commission of the Anglican Church on the Treaty of Waitangi as relevant to our Inquiry. After considering the terms of the Treaty, the Commission, which was composed of Maori and Pakeha members, said:

"The Treaty created one nation but acknowledged two peoples with two distinct cultures. It recognised and established the principle of partnership.

The Treaty extended to 'the natives of New Zealand all the rights and privileges of British subjects'. A central feature of such rights was the freedom to take any action so long as the law did not prohibit it. The freedom included the right of Maori people to their own culture including their language.

The Treaty guarantees Maori rights and interests and does not merely recognise them. This means that the State is required to take positive action to protect cultural values and not merely refrain from interfering with the protective steps take by Maori people themselves. The Treaty clearly implies the principle of bi-cultural development.

Without denying the tension between the interests of the two main cultures, the Commission is convinced that partnership and bi-cultural development offer the way forward for a society ready to be enriched by its dual heritage. Partnership and bi-cultural development are an essential part of the foundation for a developing social contract."

The Commission defined '*bi-cultural development*' as the process whereby two cultures grow and develop within one nation in a spirit of mutual respect and responsibility; and '*partnership*' as involving co-operation and interdependence between distinct cultural or ethnic groups within one nation.

It has been argued that the past lack of bi-cultural development, and failure to adhere to the principles of partnership are at the root of many of the present problems. That it has been a case of 'assimilation' rather than 'integration'. The policy of assimilation current in the 1930's was the antithesis of bi-cultural development to the extent that Maori children were forbidden to use their native tongue at school, and were punished for so doing. Following World War 2 there was the opportunity for change. Sir Apirana Ngata and others working with the then Minister of Maori Affairs, The Hon. Mr R. Mason, outlined to returning members of the 28th New Zealand Maori Battalion the basis of a draft bill which had come from the vital Maori War Effort Organisation. The emphasis of the resulting Maori Social and Economic

Advancement Act (1945) centred around 'te mana mauri'—the compelling life force and destiny of the Maori—a term of significance far beyond such popular terms as 'maoritanga' and 'taha Maori'. Basic commitments and wholistic programmes, with Maori Authorities having responsibility, were provided for. Returning members of the Maori Battalions were the first appointed to implement the provisions of the Act.

The Act was based on the true spirit of 'integration', not 'assimilation', with the real foundation being the 'tribal committee'. The thrust was to tribal and community strengths, to traditional standards, to self discipline and to development with field staff identifying with the family, extended family, hapu and their members in rural and urban areas. There were plans for health and education schemes and job creation, and Marae 'Hearings' relating to law and order. In the urban situation, irrespective of location, tribal groups assembled in homes or created temporary Marae. To many this became a base with its built-in loyalties and the many positive values of tribal identity, family and personal self esteem. This was positive Maori development and enterprise without anti-pakeha overtones. There were strong links between the home base and the urban families and committees.

In 1962 there was a change in government philosophy and policy. Although the New Zealand Maori Council and eight District Councils were set up, there was a move away from the tribal committee base. The title of the Act was changed to 'The Maori Welfare Act' and the approach became paternalistic. In many cases Maori families were cut adrift in the urban pakeha world and the incentive and opportunity to maintain tribal links and traditional standards began to disappear. Associated policies added to the dilemma. In the housing field, the policy was to 'pepper' Maori homes in suburbs and districts and 'case work' took precedence over 'community development'.

Leaders who were involved at the time, submitted to us that this change in policy was a contributing factor to the increase in violence for it undermined the authority and ability of tribal authorities and elders to deal with the problem. Urbanisation also played its part.

A significant number of speakers who appeared before us put the whole blame for the Maori crime rate and all the other problems faced by the Maori community, on Government policy and the pakeha. We do not accept that. Much could have been done by the Maori community itself to deal with the increase in crime and other matters which are now causing concern.

From a young lady on the Marae at Waiwhetu, who had her first child at the age of 14, and spent the last days of her pregnancy under a bridge in Auckland, and from the leader of a Maori gang in Christchurch came a plea to their own people and their elders, that Maoridom could well heed. It was this: "Where were you when we needed you?"

TRIBAL IDENTITY

Tribal identity is an integral part of Maori culture in that it enables people to deal with others in confidence. Together with their language, traditions and customs, it establishes their place in the community, and their responsibilities to it, with certainty.

There is presently a remarkable resurgence of interest in the development of the tribal structure on traditional lines, which is, in essence, a call for Maori tribes to play a more significant part in the management and care of their own people and resources. This does not amount to a plea for separate development but "partnership".

An example of this renewed interest, which could only have beneficial results, was related by a member of the Committee, Mrs Ann Tia, who has visited Maori offenders at Mt Eden and Paremoremo prisons for many years.

It had been found impossible to interest Maori prisoners in anything Maori until a visit to the prison of a Maori elder and orator who, instead of talking directly to the prisoners, as had other visitors, and been sworn at for their pains, performed a 'whaikorero' (traditional Marae oration) and then explained what it was, and what it meant, in a Maori cultural setting. Inmates sat in silence and wanted more. They were effectively introduced to their own roots and culture, which previously had been foreign to them. When this link with their own traditions and culture was forged there was a remarkable improvement in their conduct and tension and distrust of others disappeared.

There seems to be no doubt that caring tribal elders, working within the context of Maori culture, have a major part to play in helping the potential violent offender and rehabilitating those who have offended.

Nga Whare Waatea is an example of what can be done. It is a wholly Maori initiative which uses 'whakapapa' and the 'iwi' as a base. Because the 'whanau' is central to Maori culture, it aims to work within and to provide practical support to the extended family building up tribal identity. Some of its aims and objects are:

"To provide positive alternatives to penal institutions and Social Welfare custodial arrangements by providing a residential Marae Whanau programme covering counselling and rehabilitation for at risk young Maoris."

"To provide an integrated Maori Welfare Service for at risk young Maoris through remedial and development programmes."

"To reduce the cost of those institutions to the taxpayer through the setting up of more successful alternatives operating at lower cost."

"To prevent and reduce the Maori crime rate through the positive involvement of Maori people."

"To offer a Maori alternative to social care that will prevent young Maoris at risk from becoming 'criminals'."

Nga Whare Waatea has produced a detailed plan and budget for the establishment of open houses throughout New Zealand beginning with a multi-purpose reception and Community Centre in Mangere where it is planned to build a traditional Marae. It will provide work skills and training and employment programmes.

Nga Whare Waatea is a comprehensive scheme for dealing with the root problems of Maori violence and provides a concept worthy of national support by Maori and Pakeha alike. Both cultures could gain from a wider establishment of similar ventures, but it requires a commitment from both.

The Community Centre in Auckland is another example of what can be done.

It provides a refuge and centre of encouragement for disadvantaged Maori youth and gang members, where they can meet counsellors and elders ('kaumatua' and 'kuia'). It provides a remarkable service in instructing, training and setting rehabilitation goals for prison parolees and young people at risk. It is fair to say that the Centre is playing a significant role in combatting violence.

This Centre has its problems and should be upgraded. It has proved itself but those that work there are under pressure and in sub-standard conditions.

The Te Awhiro Trust also provides a comprehensive scheme at Raglan and has helped many young Maoris; and the Kokiri Centres are valuable cultural centres for the Maori community and, at many, Kohanga Reo groups have been established. Many other groups and organisations are carrying out similar very worthwhile work.

The Departments of Justice, Social Welfare, Labour and Maori Affairs, have already pledged themselves to the establishment of Cultural Advisory Units and the Maatua Whangai programme and we **recommend** that they co-ordinate their endeavours with those of the New Zealand Federation of Maori Authorities, The New Zealand Maori Council and The Maori Women's Welfare League.

THE REMEDY

Maori violent offending is not a matter to be dealt with in isolation. It is simply one of the social problems besetting the Maori community and causing serious tension between Maori and Pakeha. The Pakeha has been unable to provide an answer, and the Maori community's plea is that it be given the opportunity to provide one.

The report of The Ministerial Advisory Committee on a Maori Perspective (Puaote-Ata-Tu) was basically concerned with the Department of Social Welfare but the recommendations made have equal application to this present Inquiry.

The final recommendation of that Committee (referred to as the comprehensive approach) was this:

"We recommend that:

- (a) Immediate action be taken to address, in a comprehensive manner across a broad front of central Government, local Government, Maori tribal authorities and the community at large, the cultural economic and social problems that are creating serious tensions in our major cities and in certain other outlying areas;
- (b) The aim of this approach be to create the opportunity for community effort to:
 - (i) plan, direct, control and co-ordinate the effort of central Government, local Government, tribal authorities and structures, other cultural structures, business community and Maoridom;
 - (ii) harness the initiatives of the Maori people and the community at large to help address the problems;
- (c) The Cabinet Committee on Social Equity and their Permanent Heads be responsible for planning and directing the co-ordination of resources, knowledge and experience required to promote and sustain community responses, and invite representatives of commerce, business, Maoridom, local Government and community leaders to share in this task."

We endorse that recommendation and believe that the Maori people, having demonstrated an eagerness to play a full role in combatting violence, should be given the opportunity and the resources to do so.

This Committee has been called upon to recommend practical steps to combat violence and it is not enough simply to adopt the broad philosophical approach of the Puaote-Ata-Tu Committee. To be effective, the Maori involvement must necessarily extend to families and children at risk, education, disadvantaged groups, potential and actual violent offenders, rehabilitation of those released from prison, and a degree of participation in the Court system. To date the Maori community has been involved in all of these areas to some extent but in a piecemeal way. Planning and co-ordination are required.

We therefore **recommend** that pilot schemes be set up, supported by relevant Departments of Government, so that the initiatives of the Maori people can be brought to bear on the areas of concern referred to above.

THE JUDICIAL SYSTEM

Some extreme views were expressed on this issue, it being suggested, in effect, that no improvement can be expected in the observance of the law until the justice system is somehow modified, or better still, replaced with a jurisprudence more suited to the special needs of the Maori. Crime is not a private issue, nor the private business of any one group in a community, and there can be no warrant for the establishment of any form of separate justice for particular individuals or groups.

Having said that there can be no doubt that there is plenty of scope for Maori involvement within the present system.

The Committee heard from Maori elders and others, presently involved in rehabilitation programmes, who argued, with justification, that imprisonment was no answer to the potentially violent offender, and that what was required was a form of community sentencing which would include an Order for reparation in appropriate cases. An order would be made for close 'kaiwhakahaere' (mentor) supervision, and guidance and service within the Maori and wider community. Instruction or training would be provided through an approved tribal or Marae authority in association with the Maatua Whangai movement or the Justice Department.

It was envisaged that this form of sentencing would be carried out substantially by the Maori community itself with the offender's family and others being involved. For the more serious violent offender, who was regarded as a danger to society, the Court would be involved. It was envisaged that before sentencing such an offender to imprisonment, the sentencing Judge would consult an advisory panel from a pool of tribal representatives, or in the city situation, from a multi-tribal pool.

While we agree that a move away from imprisonment and towards reform and rehabilitation in the community is what we should aim for, we could not recommend adoption of the proposed 'community sentencing' procedure presented to us, and for the main reason, that our Criminal Justice Act 1985 already contains the basic machinery for greater involvement by the Maori community and indeed the Pacific Island community, in the reform and rehabilitation process. The provisions of the Act relating to the sentences of Community Service (S.29), Supervision (S.46) and Community Care (S.53) could all be modified (if modification is indeed necessary) to provide for Maori involvement as part of the sentence, but the most important provisions of the Act in the present context are S16 and S134.

Section 16 provides:

- (1) Where any offender appears before any court for sentence, the offender may request the court to hear any person called by the offender to speak to any of the matters specified in subsection (2) of this section; and the court shall hear that person unless it is satisfied that, because the penalty that may be imposed is fixed by law or for any other special reason, it would not be of assistance to hear that person.
- (2) The matters to which a person may be called to speak under subsection (1) of this section are, broadly, the ethnic or cultural background of the offender, the way in which that background may relate to the commission of the offence, and the positive effects that background may have in helping to avoid further offending.

That section of the Act provides for Maori involvement, and the probability is that it is not more widely used because of ignorance of its provisions.

S134 provides for the establishment of Criminal Justice Advisory Councils. We understand that no Council has been set up so far and that changes to the membership of Councils are proposed, but at present S.134(a) reads:

"134. Criminal Justice Advisory Councils

- (1) For the purposes of this Act there shall be such number of Criminal Justice Advisory Councils as the Minister may from time to time determine, the members of which shall be:
 - (a) A District Court Judge or a retired District Court Judge who shall be the Chairman;
 - (b) A Superintendent of a penal institution who shall be appointed on the recommendation of the Secretary;
 - (c) A Probation Officer who shall be appointed on the recommendation of the Secretary;
 - (d) Not less than six nor more than eight other members of whom not more than two shall be officers of the Department of Justice."

The functions of the Councils are defined in S.135 of the Act as follows:

- "(a) To encourage community support for, and participation in, facilities and activities for offenders;
- (b) To promote suitable activities for persons in custody or undergoing community-based sentences;
- (c) To assist in the co-ordination of departmental and community activities relating to offenders;
- (d) To advise the Secretary on the facilities and activities in the area within their jurisdiction, and on applications for subsidy payments or reimbursements to community groups carrying out approved activities in relation to offenders;
- (e) To advise officers of the Department of Justice of new or existing community-based activities that might be available to offenders;
- (f) To encourage informed interest by groups and persons in the local community in Criminal Justice policies and problems.

We see real scope for significant Maori and Pacific Island community involvement in The Advisory Council Scheme and **recommend** that they be set up without delay with emphasis being given to Maori membership or Pacific Island membership, in those districts where it would be appropriate.

ALCOHOL

INTRODUCTION

As might be expected, the Committee received hundreds of submissions on this subject covering such aspects as its relationship to crime, and in particular domestic violence; its availability and abuse and what were seen as shortcomings in the present legislation; the problem of hotel violence; advertising; and its effect on the death and injury road toll.

A large body of evidence points to a statistical association between alcohol and violence, but we agree that it would be foolish, in the light of the scientific literature, to suggest as a general rule, that alcohol actually *causes* violence. The literature worldwide on the alcohol-violence relationship is extensive (see Graham K. [1980]). In New Zealand an excellent study has been carried out by Dr Jane Bradbury (1984). She referred to the many theories advanced to provide an explanation for the association between alcohol and aggression and referred with approval to the comprehensive review of such theories produced by Graham who identified four theoretical perspectives of the role of alcohol in violent behaviour. In much simplified form they were:

1. That alcohol directly *causes* violence in that it has an anaethetising effect on the inhibition centres in the brain which control aggressive behaviour. Graham found that theory inadequate as it failed to explain why alcohol did not increase aggression in all situations in all individuals.
2. That alcohol had certain effects which *contributed* to aggression in that it produced psychological or physiological changes such as changes in thinking, or input processing; physiological changes stemming from brain damage or sleep disruption; or emotional effects.
3. That the motives which lead people to drink, *interact* with the alcohol and lead to aggression.
4. That the relationship between alcohol and aggression is a *spurious* one, and that the true cause of the aggression is the more intense inter-personal contact that the drinking scene requires.

Bradbury concluded that while the existence of a significant relationship between alcohol and aggression was supported, the empirical evidence from a mass of studies did not favour any particular theory. She saw the association as being a complex one involving a variety of causal mechanisms.

The Police Department submission cites alcohol consumption as at the root of physical violence, and the major ingredient of domestic disputes and violence. According to the Justice Department submission a review of research on domestic violence revealed that alcohol was a factor in 25% to 50% of spouse assault incidents. Other reviews put the figure higher (Bradbury [1983]). The great bulk of domestic violence is unreported making any real assessment of alcohol's role impossible (Fitch & Papanitonio [1983]) but it can be stated with confidence that alcohol use is a major contributing factor in domestic violence and violence outside the home. Of the offenders seen by Bradbury in her Study, 84% had been drinking prior to a violent incident and of those, almost 75% had been drinking either at the time of the incident or within the previous half hour.

The causal link between alcohol and violent offending is established beyond any doubt although the causal pathways may be complex and difficult to determine.

THE AVAILABILITY OF ALCOHOL

According to the Licensing Control Commission Annual Report for the year ended 1985, there were 5308 licensed premises in New Zealand. That is one for every 500 people aged 20 years or older. A significant feature is the large reduction in the number of hotel licences over the years and the huge increase in Club Licences from none in 1975, to 1437 ten years later.

At present The Sale of Liquor Act 1962 provides for some 29 different licences and charters and 12 permits, which, according to the Police Department submission, makes enforcement difficult with the status of the premises changing according to the licence and/or permit currently in force.

A further difficulty is that different licences or permits have different issuing authorities and this example is cited in the Police submission:

"Under this system it is possible for a sports club, for example, which hosts a tournament over a long weekend, to be granted a Booth Licence (Licensing Committee), Extended Hours Permit (District Court Judge), and a Special Permit for Social Gatherings (Commission), which are issued by the **three** different authorities referred to. In a recent case, the effect of those licences, collectively authorised the sale and consumption of liquor for 13.5 hours on each day by the applicant club which is a privilege not granted to traditional outlets. It is important to note that none of the issuing authorities was aware of the other's considerations."

The Working Party on Liquor, under the Chairmanship of Sir George Laking, which reported to the Minister of Justice on 31 October 1986, addressed itself to the licensing structure and recommended that the number of licences be reduced to four, on-licence, off-licence, Club licence and Special licence to replace the present multiplicity of licences and permits. In so far as that change eases the Police difficulties of enforcement and control, and that is a prime concern of this Committee, it has our support and we **recommend** its adoption.

MINIMUM AGE

The Working Party on Liquor has recommended other changes in the Licensing Laws which require consideration by this Committee, and the first is the proposed reduction of the minimum drinking age to 18. (The minimum age was reduced from 21 to 20 in 1969).

The Working Party on Liquor, after considering the submissions before it, reached the following conclusions:

- "a. that the problem of alcohol abuse by young children can be tackled effectively only through a process of education of both children and parents;
- b. that any legal minimum age requirement, if it is to command public support, must be seen to have some logical basis in the New Zealand context; and
- c. that it must, for the same reason, be capable of more effective enforcement, than is the case at present."

and made these proposals for the law relating to the presence of minors on licensed premises and the supply of liquor to them:

- "a. that the drinking age be fixed at 18;
- b. that persons under 18 not be permitted to drink alcohol on licenced premises under any circumstances;

- c. that Licensing Authorities be empowered, to designate in respect of any establishment, the areas from which persons under 18 are prohibited (restricted areas);
- d. that Licensing Authorities be also empowered to designate areas to which persons under 18 may have access only if accompanied by an adult spouse, parent, guardian or any other adult acting in place of a parent (family areas)."

It is important to note that the Working Party on Liquor was primarily concerned with the misuse and abuse of alcohol and the minimum legislative control necessary to meet it. It was not within its terms of reference to consider what we take to be established, namely, the causal link between alcohol consumption and violent offending. The effect the abuse of liquor may have on the health and well being of the drinker, and his violent behaviour to others following drinking are two different things and this Committee is concerned with the latter.

One point made by the Working Party on Liquor was that retention of a 20 year minimum, which is widely ignored, engendered disrespect for the law and what it saw as important was that the law, as promulgated, be obeyed, and where necessary, enforced. It must be questioned whether obedience to, and enforcement of an 18 year minimum will be any more effective than with a 20 year minimum. A likely trend would be towards a further lowering of the de-facto age limit.

Aside from domestic violence in the home it is fair to say that hotels and their environs are the venue for more violence than any other location, to the extent that violence is the number one concern of the Hotel Association. Enforcement of the present minimum age leaves a lot to be desired but we see no advantage in throwing open the doors of licensed premises to thousands more patrons, among whom will be a fair percentage of potential violent offenders.

We therefore *recommend* that the minimum age be retained at 20.

OPENING HOURS

On this issue the Working Party on Liquor had this to say:

"There is a widely held impression that, in general, drinking in hotels and taverns is limited to the hours between 11.00 a.m. and 10.00 p.m. Monday to Saturday, although licensed restaurants and cabarets may stay open until a later hour. Sunday trading is generally assumed to be a very restricted activity.

In fact, trading hours, including trading on Sundays, have been substantially liberalised since evening opening was introduced in 1967. From Monday to Saturday, it is now possible to obtain a drink from 8.00 a.m. (being the hour at which a number of public bars open) to 3.00 a.m. the following day (being the hour at which night-clubs are required to close). Sunday trading is now possible under the law for most licensed restaurants, other establishments with food and entertainment licences, many sports clubs, as well as hotels, taverns and chartered clubs serving meals.

The exceptions to the ban on Sunday trading are already so numerous that almost the only people who cannot drink on a Sunday are those who want to drink in a public bar. The myriad of exceptions to the Monday to Saturday 11.00 a.m. to 10.00 p.m. rule are such that the rule has become merely a tattered remnant of what it was in the early years of the Sale of Liquor Act 1962."

What the Working Party on Liquor has proposed is that on an application for a licence, the Licensing Authority may prescribe the hours during which, and the days on which, liquor

may be sold. No restriction on hours or days is proposed, so opening the way for later hours and Sunday trading. The Working Party commented:

“To the majority of people who are able to deal with alcohol responsibly the laws are an unnecessary inconvenience; to the minority, they are no impediment to the abuse of alcohol”.

That may be so, but in this Committee's opinion, and this is supported by the submissions before it, what change is required, if change is to be made, is a reduction in the drinking hours, and certainly not an extension to Sunday trading or beyond 10.00 p.m. The violent shambles of Friday and Saturday nights needs no extension, and we **recommend** that there be no extension. We are given to believe that New Zealand has civilised drinking in sophisticated surroundings. That is largely an illusion and as we said earlier, violence in and around licensed premises is of prime concern.

Submissions have been received supporting a period of closure of licensed premises for a period—6.00 p.m. to 7.30 or 8.00 p.m. being suggested. The Hotel Association strongly opposed the proposal and suggested that if greater rights of control of patrons were given to licensees, together with the removal of mandatory hours of opening a more positive result would be obtained.

The Committee does not support a period of closing from 6.00 p.m. It could result in unfairness to responsible patrons and prove to be such an unpopular innovation that difficulties could arise in enforcing it. Furthermore, there is the danger that many would revert to the old pattern of the much criticised '6 o'clock swill'.

What we do **recommend** is a period of closure from 2.00 p.m. to 4.00 p.m. Many English pubs are required to observe an afternoon closure and that must be regarded as one of the significant factors which enables English pubs to maintain a favourable image far removed from that of many of their New Zealand counterparts.

All too frequently the Courts hear of offenders who have spent the whole day in a hotel, a situation which unemployment encourages. It may be beneficial to remove them from the hotel environment for a period.

During the public hearings the issue was whether the period of closure should be from 6 p.m. or thereabouts, and, as has been said, the Hotel Association strongly opposed such a step. At that stage the Committee indicated agreement with the Hotel Association's views. Subsequent submissions caused the Committee to reconsider its stand, and the Hotel Association was given the opportunity to express its views on closure from 2.00 or 3.00 p.m. until 5.00 p.m. We have considered those further submissions in making our recommendation.

If, as the Working Party on Liquor recommends, mandatory hours of opening are dispensed with so that there is no obligation on a licensee to open the premises or sell, it is possible that afternoon closing would become common because of economic considerations. If that were to happen it would satisfy the Committee, provided opening beyond 10.00 p.m. was not permitted.

EXTENDED OUTLETS FOR LIQUOR SALES

The Working Party concluded that there was no reason why all types of liquor should not be sold by shops which deal in other goods, although it thought it inappropriate that a service station should be granted an on or off-licence because of drink/driving considerations. It follows that supermarkets, groceries, dairies and other stores could apply for a licence.

Because the Working Party's Report was not available until November last we have received no specific submissions on the issue, but no doubt it will be well aired if, and when, a Bill incorporating the Working Party's proposal is introduced into Parliament.

We content ourselves with saying that we strongly oppose any measure which provides for additional outlets and *recommend* that there be no change. The problem of violence requires restraint in the use of liquor and to have it normalised by being thrust before the public, and particularly the young, at every turn, would be a retrograde step.

HOTELS AND THEIR PROBLEMS

Detailed written submissions were received from the New Zealand Liquor Industry Council, Hancock & Co. Limited (representing Lion Corporation Limited and its subsidiaries) and the Hotel Association of New Zealand, which also appeared before the Committee at Public Hearings in Christchurch, Wellington and Auckland so that regional problems could be presented.

Violence in and around hotels is the prime concern of members of the Hotel Association, and with just cause. At each of the meetings with the Association, the Committee heard first hand from licensees and managers who had been attacked with every conceivable type of weapon resulting in horrific injuries. The submissions established that the extent, nature and cause of hotel violence is not consistent throughout New Zealand. The hotels in the upper part of the North Island experience the most serious problems, the violence being more widespread and very much linked with the use, abuse and sale of drugs. Violence by Maoris and gangs is said to be a particular problem in this area, and the use of security officers is more common here than in other parts of New Zealand.

Central New Zealand experiences less violence, although the drug-violence link is still evident. There is less gang related violence in hotels but a particular problem is experienced with already intoxicated sports club members, some under age, attending hotels when their own clubs have closed.

The West Coast of the South Island apparently has no major problem at present, but violence is a major concern in Christchurch and Timaru. It is claimed that Christchurch hotels and taverns in particular, experience a serious gang problem and violence associated with drugs.

The southern part of New Zealand does not experience the problems of the north to anything like the same extent.

The seriousness of the problem of violence in and about hotels is confirmed in the Police Department submissions, and many others received by the Committee. A number of practical suggestions have been made to meet this problem which we shall now consider.

ABOLITION OF THE PUBLIC BAR

S187 of the Sale of Liquor Act 1962 requires all hotels and taverns to provide a public bar, unless specifically exempted by the local Licensing Committee. The requirement carries with it the obligation to serve nearly anyone, other than a prohibited person, who wishes to be served. The original justification for the requirement came from the common law concept of the "common inn", and the Committee agrees with the submissions made, to the effect that the public bar is an anachronism in the present social climate. It is clear that the public bar is a constant source of trouble both to the Police and licensees, who, in very large measure, are deprived of their rights of management and control, or can assert it only at personal risk to themselves or other patrons.

The Working Party on Liquor saw no justification for the compulsion to provide a public bar. It said:

"Proprietors should not be compelled by law to maintain a bar in which they are obliged to serve patrons whose custom they do not want and to whose presence

they may reasonably object, on grounds of maintaining firm management control on the behaviour of customers. The removal of the requirement will increase the degree of control that a manager has over the entry of persons onto the premises and their conduct once present. The law, including human rights legislation, provides adequate safeguards against unlawful discrimination. In our view, the public bar requirement, along with price control, has been a disincentive to the upgrading of some premises, without any counter-balancing public benefit. Its removal could well provide still further impetus to the improvement in drinking conditions which has been evident in recent years."

The Committee agrees with that view. The Working Party's recommendation in respect of each of the four licenses which advocates that there be "no obligation to open the premises or serve", would meet the situation if adopted, but in the meantime we **recommend** abolition of the public bar obligation by appropriate amendments to S187 of the Sale of Liquor Act 1963, with consequential amendments to S188.

APPLICATION OF THE TRESPASS ACT

As a means of retaining proper control over licensed premises, the Hotel Association and the Police have suggested changes to the Sale of Liquor Act 1962, and the Trespass Act 1980. S188 of the Sale of Liquor Act gives licensees and managers power to exclude from public bars, patrons who exhibit or engage in certain types of behaviour, or whom they have reasonable cause to believe will engage in that type of behaviour. However, there is no specific power to warn a person to stay off the premises for any specific period and a power of arrest is limited to the case where the person returns, or attempts to return, on the day on which he was removed.

The result is that potential troublemakers cannot be effectively barred. The Trespass Act would meet the situation but it has been decided (*Donaldson v. Police* High Court unreported; judgement 16 Feb. 1984) that the Act does not apply to public bars. If the public bar is abolished the difficulty would be largely overcome, but even in that case, we think it advisable, to avoid doubt, that the Trespass Act be amended by providing "nothing in the Sale of Liquor Act shall denigrate from the provisions of this Act", and we so **recommend**.

SIZE OF BARS

There can be no doubt that the degree of supervision and control that can be exercised over patrons in a bar, is related directly to the size of the bar. The problems associated with large bars were referred to in the Police Department's report in these terms:

"The Police are acutely aware of the problems of policing large bars which have often been described as 'booze barns'. At peak hours some bars may contain several hundred people in various stages of intoxication and it only requires a small incident to spark off a brawl.

Such bars make it difficult to exert any control over who should be present (age, sobriety, or conduct) either by the Police or the management because of sheer numbers.

Hence the provisions of the Act concerning conduct cannot be satisfactorily enforced. The Police experience has been that if any attempt is made at enforcement it often results in a major confrontation between the Police and patrons which far outweighs the gravity of the original offence or incident."

The question of the physical drinking environment was considered by the Working Party on Liquor, but only as it related to patterns of drinking, and reduction in alcohol abuse. It

concluded that the studies on the effects of environment on drinking patterns were few and equivocal, and that the potential for reducing alcohol abuse by changes to the physical environment was a subject which needed further research. As stated earlier, this Committee must look at alcohol abuse from a different perspective.

Large crowded bars are almost impossible to supervise and experience has shown that they are frequently the scenes of violence. This Committee therefore *recommends* that positive action be taken towards the establishment of smaller bars.

Gang violence, sentencing and Police resources were other matters raised by the submissions in relation to hotels but as they have a wider impact they are dealt with in detail elsewhere in this report.

The Hotel Association also referred to the need for the provision of photographs with Prohibition Orders, and identification cards to eliminate the under age drinking problem. Such measures would certainly make life easier for licensees and managers but the Committee regards them as too remote from its terms of reference to justify the making of any recommendations.

ADVERTISING OF LIQUOR

The Committee received submissions bearing on the issue of liquor advertising and the following random extracts from some of them indicate the concerns:

"Ban the presentation of liquor as a desirable aid to living as exists now in advertising generally."

"The current marketing of alcohol encourages us to consider alcohol an essential ingredient in all our activities, particularly sport. 'Lifestyle' advertising shows liquor adding glamour, excitement and success to one's life. The fact that alcohol is a drug, albeit a socially acceptable and pervasive one, is not shown. Information about the effects of alcohol consumption on the body, let alone the harmful effects of either chronic abuse or occasional 'binge' drinking, are not advertised. This drug should be treated with caution, as should all drugs, but it is impossible to educate the public, particularly the young people, about moderation, when they are receiving such a powerful 'pro-alcohol' message through all forms of the media."

"That 'mood' and 'image' advertising of alcohol be banned (including advertising linking alcohol and the macho male image) and that the alcohol advertising be restricted to information about location of liquor outlets and price."

"At present young people are assailed by liquor advertising from the time they first become aware of their surroundings. It is directed at them from road-side hoardings, from newspapers and magazines and from the cinema screen. Sponsorship of sporting events by the liquor trade also helps to foster a belief that alcohol is a normal, even desirable, part of everyday life. The advertising never tells young people that alcohol can lead its users to prison cells and psychiatric hospitals."

The Committee received detailed submissions from the Association of Accredited Advertising Agencies of New Zealand. It refused to accept that there was any association between liquor advertising and violence, although the real issue would appear to be an association between advertising and an increase in the consumption of liquor (or a consumption which would not take place but for the advertising) leading to violence. We found curious the Advertising Agencies' submission that if anti-liquor advertising groups were concerned, they could always run a counter campaign representing their views. Presumably that too would be undertaken by the Agencies.

The question of liquor advertising was considered by the Working Party on Liquor which had this to say:

"We are not entirely convinced, despite the forceful arguments and sophisticated data presented to us by the liquor industry and the advertising and public relations industries, that advertising of liquor is concerned only with market sharing.

Like the advertising of tobacco, it must have as its prime justification, the enlargement of the market for its product, at the expense of other areas of discretionary expenditure. In that sense, if it is presented in exaggerated form as a necessary adjunct of the good life, its impact must run counter to the difficult educative process necessary to make people, and particularly young people, aware of the adverse consequences of alcohol abuse.

The existence of a self-regulating regime which was set up to monitor liquor advertising, is an implicit acknowledgement that some control of such advertising is justified. Submissions were made to us that all such advertising should be prohibited, or that in the alternative it should be controlled by legislation. We do not believe that either course would be justified. However, the extensive evidence which we have accumulated about the way in which the system operates suggests to us that both the guidelines and their application should be reviewed."

In our opinion, liquor advertising, and particularly advertising at sports grounds, is a subject requiring further investigation as provided by our terms of reference and we make that **recommendation**, but with more force than is apparent from the recommendation of the Working Party on Liquor.

ADVERTISING

Apart from the sensitive area of alcohol advertising (which drew a substantial number of submissions) there were submissions which dealt with other aspects of advertising which were causing concern.

There were also significant numbers of submissions which referred to the potential of advertising (particularly television advertising) to present and promote positive models of behaviour, and this will be discussed later in this section.

NEGATIVE ADVERTISING

A number of submissions were critical of the role of advertising in its presentation of, and emphasis upon expensive material possessions as an essential part of "the good life", and as proof of personal success. The argument of these critics appeared to be that such advertising served only to emphasise the economic inequality present in this country. The argument continued by suggesting that the repetitive advertising of desirable material possessions to the many who can never realistically aspire to attain them legitimately, inculcates feelings of deprivation and resentment. The concern expressed was that ultimately members of the community might resort to violence in order to obtain possessions which they see no prospect of obtaining by lawful means. While the Committee acknowledges that many may find the materialistic consumerism (which seems an inescapable part of contemporary advertising) infuriating, it considers the argument that such emphasis may lead to violence, tenuous. Examples of financial inequality can be seen everywhere in daily life and it would be unfair to lay the blame for this state of affairs at the door of advertising.

The Committee did, however, feel that there was much more substance to the submissions which claimed that some contemporary advertising was blatantly sexist, or that it endorsed "macho" values in an unacceptable way, to the detriment of women, and leaving men with a distorted and wholly false idea of their role in society.

The most trenchant criticisms of sexism in advertising came, of course, from women's groups, but men also had their say. These are a few comments from the submissions:

"Advertisements portray women in broad categories; as sex objects, as housewives and as intellectually inferior to men. The portrayal of women in these ways is not representative of women and encourages the perpetuation of ideas about women and their capabilities which do violence to them".

... "television programmes are reinforced by advertising which portrays women as lacking the ability, brains or integrity to think act or do things on our own behalf. We consider that this adds to the images of women being subservient and second class people, and leads to us being viewed as potential victims of violence—both verbal and physical."

"Viewers are shown women's bodies in various states of exposure, always with the innuendo that we are available for sex, men's attention and pleasure. Men are not presented in this way; indeed it would be exceptional to see the camera lens focus on male crotches, penis and testicles, in the same way that women's legs, breasts and backsides are portrayed."

Liquor advertising, particularly as it relates to consumption, is dealt with elsewhere in this report. That aside, the view expressed in a significant number of submissions was that liquor advertising was the worst culprit in the endorsement of "macho" values. Sport is undoubtedly the most potent symbol of masculinity for many New Zealand men and the submissions expressed concern that beer advertising, in particular, targeted sport in an unacceptable way. As an example, an advertisement for a brand of beer referred to "the measure of a *man's*

thirst" in a context which inferred that sporting ability and determination, and drinking that particular brand of beer, were both the hallmarks of a *man*, which is arrant nonsense. The aim should be to sell beer, not fantasies.

The detailed submission from The Association of Accredited Advertising Agencies, was uncompromising in its rejection of such criticism and has chosen to rebut it by inviting the Committee, in effect, to inquire into the 'bona fides' of those groups and individuals who have found fault in some aspects of advertising practice. We do not see this as any answer. Clearly there is a gulf between the advertising agencies and their critics.

The Committee is of the view that some advertising is sexist, in the sense that it tends to devalue women, or women's role in the community, by showing them in hackneyed, stereotyped situations, or behaving or responding in ways that are improbable. Such advertising does not instill respect for women, and in our view is much more common and harmful than the advertising agencies will recognise.

The Committee also agrees with those submissions that view some liquor advertising, and particularly beer advertising, as being at fault for its promotion of macho values which have no part in a caring community where respect for others and non-violent conflict resolution should prevail.

Advertising agencies have their self-regulatory procedure and controls and we believe that at this stage they should be left to control their own destiny, (subject to the recommendation we have made in the alcohol section of this report regarding the advertising of liquor) but we would hope that they will have regard for the public concern which has been expressed. If they do not, the time may come when some form of independent regulatory control is called for.

It is not only the agencies that have a responsibility in this area. After all the agencies are subject to the demands and approval of their clients and in the final analysis it is up to them to see that the advertising they approve does not offend. There is plenty of room for improvement. It is only by a concerted community effort that the quality of life in New Zealand can be improved and the business world is part of that community.

POSITIVE ADVERTISING

An encouraging number of submissions looked beyond criticism of advertising practice to offer ideas for a positive, non-commercial role for advertising; that is to say, the presentation and promotion of positive models of behaviour. The Committee noted with approval, the way in which advertising agency creativity had been applied to the development of "community-service" type commercials. There can be very few New Zealanders who were not reached by campaigns such as "Have a go", the young drivers' safety commercials, the drink-driving and alcohol moderation ("Say when") commercial, the 1986 anti-smoking campaign, and the commercials endorsed by the Marriage Guidance Council ("Let's play that again"). The Committee endorses the use of such advertising, and sponsorship of it by the business community could be profitable from everyone's point of view. ***This is a challenge, not a recommendation.***

An anti-violence advertising campaign was suggested in some submissions. We support "the non-violence campaign" to be run by the Health Department and the Mental Health Foundation over the next two years.

A CRIME COMMISSION

Earlier in this report we referred to the three previous New Zealand reports which covered the subject of violence or crime generally—The 1979 Report of the Select Committee on Violent Offending, the 1981 Report of The Committee on Gangs and the 1981 Report of The Penal Policy Review Committee.

The submissions, reports and studies presented to those Committees, and this Committee, were lengthy and numerous, in total, well in excess of two thousand. For example some submissions referred to studies carried out in the 1920's concerning the effect of violence in films.

This Committee also had some contact with the Justice Department in the United States of America and the Home Office in the United Kingdom. The output of studies and recommendations from those countries alone, concerning the question of violence and crime generally, was enormous, and very relevant to this country.

We think there is an absence in New Zealand of a co-ordinating body responsible for collating statistics and studies on crime generally and converting them readily and continually into recommendations to Government.

Certainly, individual departments and voluntary agencies periodically make recommendations, but much of this is done in a piecemeal manner.

There is reason to believe that previous Reports have filtered their way through Government Departments and non-Government agencies with only some of the recommendations being considered or converted into actual policy or law.

This Committee is of the view that violence (and indeed all crime) can only be dealt with in a concerted effort by society as a whole, with all Government and voluntary agencies being co-ordinated and motivated by one permanent or semi-permanent body.

The notion of a co-ordinating body is not new. The Penal Policy Review Committee recommended that the desirability of setting up a Penal Policy Advisory Board be investigated. In its report it said:

"The Secretary for Justice sees value in the establishment of a board consisting of people representing broadly-based interests in the community acting independently of the department and exercising an over-view of all aspects of criminal justice policy, advising the Minister of Justice on any matters it thinks appropriate as a result of research undertaken on its own initiative, or on matters that might be referred to it by him."

and further:

"With the new emphasis on community co-operation, such a board might well appeal to those organisations and individuals whom we hope to see involved with the penal system, especially representatives from cultural and ethnic groups. The Committee favours such a development in principle; it could become a valuable means of public education and involvement, as well as bringing those responsible for formulating and administering penal measures in closer contact with public opinion."

The Penal Policy Review Committee's recommendation was referred to in the submission made to us by the Justice Department in these terms:

"Under S134 of The Criminal Justice Act 1985, provision is made for the setting up of Criminal Justice Advisory Councils on a regional basis to encourage community support, and promote suitable activities for offenders, and to advise the department on facilities and activities available in the community and on the resources

needed for them (S135). Memberships are to comprise a practising or retired District Court Judge, a prison superintendent, a probation officer and between six and eight other members of whom no more than two shall be from the department."

To date no Advisory Councils, as provided for in The Criminal Justice Act, have been set up, but that aside, we do not see them as any substitute for The Advisory Board envisaged by The Penal Policy Committee.

What is required is an independent body answerable to the Minister of Justice and having overall responsibility for considering recommendations and providing practical methods of implementing them; gathering and evaluating New Zealand and overseas studies; co-ordinating crime statistics; educating the public and enlisting the aid of outside agencies and co-ordinating their work.

A specific unit in the Justice Department may be all that is necessary and if given the proper funding, The Institute of Criminology might assist. However constituted, what we believe is needed in New Zealand is an evaluating procedure which keeps this country at the forefront of justice and penal reform. However, this Committee would prefer to see an independent Crime Commission, perhaps as a branch of the recently formed Law Commission, charged with regular reporting to the Minister of Justice with recommendations on all aspects of criminal activity.

We therefore **recommend** that the desirability of setting up a Crime Commission be further investigated.

DRUGS AND SOLVENT ABUSE

The drug problem is, of course, one of major proportion and concern and is increasing, to plague both communities and prisons alike.

A range of drugs, both legal and illicit, has disinhibitory effects on behaviour, by far the most important being alcohol which is considered elsewhere in this report. This section concentrates on the general effects of drug misuse and specific aspects of the violent subculture in which they are obtained and abused.

There is no doubt that in some vulnerable individuals certain drugs may be a direct cause of violence. In most cases, however, the violence that is associated with drugs is part of the "subculture of violence" in which drugs are procured and distributed. In a broad sense, this applies equally to alcohol.

The main categories of drugs and sub-types within them, which are associated with violence and/or crime generally are as follows:

1. SEDATIVE-HYPNOTICS

Barbiturates	e.g. Sodium Amytal Quinalbarbitone
Benzodiazepines	e.g. Diazepam (Valium) Flunitrazepam (Rohypnol)
Alcohol	
Solvents in glues, perfumes, polishes, etc.	e.g. Toluene Halogenated hydrocarbons

While having different chemical structures, these drugs have similar effects on behaviour in that in small doses they are disinhibiting, and in larger amounts, cause increasing depression of cortical brain activity to the extent that with increased doses or a massive sudden intake, coma and death may result.

They may all, with the exception of the solvents, result in psychological and physical addiction. Solvents are readily excreted from the body and so do not cause physical, so much as psychological addiction. Clinical experience shows, however, that this addiction may be every bit as serious for solvent abusers as is the case with other drugs in the group.

Violence by individuals who have previously shown no tendency towards violence, nor been exposed to it, may result from these drugs as a direct effect. However, in general, they simply tend to effect constraints on aggression and distort perceptions in people under stress, or those who have experienced a violent background.

Each has a range of side effects that in themselves, present dangers to the individual, from suicidal depression to sudden death and liver or neurological disorder. These effects may come from prolonged use or acute overdose.

2. HALLUCINOGENS

Lysergic acid (LSD)
Peilocybin
Marijuana
Phencyclidine ("PCP, Angel Dust")

In those who have pre-existing paranoid traits and in some other unpredictable cases, all of these drugs have been associated with the development of paranoid psychotic reactions. The cases may be rare but nevertheless they can make people, labouring under delusional ideas, highly dangerous.

Some claim that marijuana may actually reduce aggressive tendencies. While this may be true for some, the tendency for others is to become paranoid. Members of the Hotel Association claimed that the combination of alcohol and marijuana was a particular source of violence in licensed premises.

Phencyclidine is an extremely dangerous drug which now may be finding its way into New Zealand. Overseas it has been associated with incidents of extreme violence.

3. SYMPATHOMIMETICS

Amphetamines ("Speed")

Cocaine and derivatives ("Coke", "Crack")

This group has a stimulating effect on bodily activity and brain function with "adrenaline" like properties. There are dose-related effects and addiction is possible with long term use.

Prolonged or high dosage may cause users to become extremely anxious and irritable, resulting in violence, or paranoid psychoses of a type which is very difficult to manage.

4. OPIATES

Heroin

Morphine (including "Homebake" from Codeine)

This group has not been identified as having a direct effect on the release of violence. The trading in them has, however, been associated with the worst cases of violence because of their potential for addiction. Because of the substantial financial gains to be made from the growing, selling, manufacturing or importing of illegal drugs, violence is very much a feature of the trade itself, as is the illegal obtaining and distribution of prescription medications. Such violence is rarely reported to the Police and it can be expected to increase in line with the growth of the drug trade. The only consolation is that innocent members of the public are unlikely to become involved in that form of drug violence.

We believe that everything that can reasonably be done to control the drug trade is being done and consequently there are no useful recommendations we can make in that area. However, there are two areas of concern that need to be addressed. They are the drug problem in prisons, to which our attention was drawn by The Howard League, and the problem of the young solvent abuser.

An increasing number of "poly-drug" abusers are entering the prisons. They are people with serious psychiatric problems who are also products of the violent sub-culture of the drug world. They are fractious and capable of treating themselves, and others, in a particularly vicious and unpredictable manner. Threats of violence to themselves and others are of great concern to the prison authorities and there is an urgent need for the establishment of the special prison referred to in the section on Prison and Community Services in this report. The part that such inmates play in the distribution of prescription and other drugs in the prisons is of special concern. As The Howard League put it "people liable to violence are being bathed in a cocktail of substances known to be associated with violence".

The use of solvents, including petrol, is not new overseas but, with the exception of petrol, it is a comparatively new development in New Zealand. Although we had no solid evidence presented to us establishing a link between solvent abuse and violence, those working in specialist clinical services recognise that some people may become violent whilst under the influence of solvents. Such specialists are aware that the young people who are liable to abuse solvents come, almost without exception, from chaotic families, with parents given to violence to each other or the children themselves (see Home and Family). Solvent abuse, like violence itself, is a symptom of family and social disorder.

We believe that because solvent abuse is primarily a social problem, is not directly associated with violence and is primarily a problem affecting the young, that it should not be made a criminal offence. It should be approached in the first instance through the community and especially by those groups of similar ethnic background to the abuser.

While we see some merit in the suggestion put forward by the Police that special clinics should be set up to cater for the solvent abuser, we **recommend** that the focus of intervention should be on funding those community groups offering care to the solvent abuser such as The Otago Solvent Abuse Crisis Centre recently funded by the Department of Social Welfare and operating in conjunction with Government departments and specialist Hospital units.

We also recommend that the provisions of The Children and Young Persons Act be applied so as to allow an officer of the Department of Social Welfare, or a Police Officer, to take a child or young person (as defined in the Act) to such a Crisis Centre or Child and Family Clinic with a follow up complaint to be lodged with The Children and Young Persons Court within 48 hours.

It may be that the grounds for laying a complaint under S27 of the Act are sufficiently wide to cover "alcohol, drug and solvent abuse", but to avoid doubt specific reference should be made by amendment. A definition of "drugs" and "solvent" may also be necessary.

Consequential amendments to the Act would be required to provide for the retention of the child or young person in the clinic for the 48 hours (within which the complaint must be sworn) and during any period of adjournment.

We **recommend** also that, in addition to funding of the Crisis Centres or Units, support be given to those groups by way of making Government facilities available for residential programmes, and "outdoor pursuits" to cater for the needs of "hard core" chronic abusers.

DIET

Thirty seven submissions to the Committee sought to define a relationship between violence and diet. Such submissions reflect the growing interest in health and the place that diet has in this in the correction of behavioural disorders such as the "hyperactive syndrome" affecting some young people.

The submissions supporting the link between violence and diet came from individuals who cited personal experiences, from organisations who are concerned with deviant behaviour and from experts in the field of nutrition. They all referred to the remarkable improvements made when a nutritional diet with vital ingredients has replaced a diet which consists essentially of "junk foods".

There can be no doubt when one considers the modern diet in terms of the amounts of highly refined foods, such as white flour and sugar that are consumed, food additives and the reliance on substances such as alcohol and caffeine, that there is good reason to heed the concerns of the submissions presented to us.

This extract from a submission sums up the basic contention of those who support the link:

"It seems incredible that what you eat can make you a criminal. But is it? Lack of the vital ingredients can alter our mind, much like alcohol and drugs, unleashing criminal behaviour. How does this happen? Our brain is no different from the rest of our body and brain cells require proper feeding in order to function correctly. Starved for the right nutrients or overburdened by toxic pollutants, the brain can and does go haywire."

A detailed submission was received from Dr Alexander G. Schauss, Director of a Division of the American Institute of Biosocial Research at Tacoma, U.S.A. Dr Schauss who has been working with criminals and delinquents in America all his adult life, and who has held many important positions in the justice system, said that he was once an "avid sceptic" of the association between diet and behaviour, but became increasingly interested in the prospect of using diet as a tool toward improving behaviour and learning performance. He has apparently pioneered a fresh approach to the prevention and correction of crime.

He noted while serving with Youth Services (1975—1977), that group homes where the juveniles enjoyed a better diet, did a better job at rehabilitation. In one group home "juveniles stayed only an average of three months compared to a State average of 18 months."

It is also his claim that: "To date there exists not a single study anywhere in the world that shows that improving the diet away from denatured and highly processed and chemically rich foods does not improve behaviour".

In his book "Diet, Crime and Delinquency", Dr Schauss gives life case histories of the many people whose lives he claims to have re-structured by an improved diet with statistical evidence, to prove its effectiveness in producing results superior to some more conventional practices of rehabilitation.

Some submissions we received referred to studies in America concerning dietary improvements instituted in the prison system. It was said that these changes require little disruption to the present system, and are found to be cost-effective, in fact less expensive (by 14% in cited cases), than the diets already in current use in prisons. They are certainly cost-effective from the criminal's point of view if his life can be restored to one of normality and he can be returned home to become a productive member of society.

In 1977, Mrs Barbara Reed, Chief Probation Officer of Ohio, reported to the U.S. Senate Select Committee on Nutrition and Human Needs on her experience with 318 offenders. Of

these, 252 required attention for their dietary needs. Mrs Reed reported that "we have not had a single person back in Court who has maintained and stayed on the nutritional diet." She had worked with prisoners for 14 years, and said "Never before has the Court had such a tool for working with the many ill people who find themselves in Court. We wonder what the results would be if this method of treatment could also be applied to all those sentenced to jail."

We heard with interest that, in a small way, there has been a similar experiment in New Zealand. The Headmaster of an Intermediate School in the North Island, having had personal experience of how an inadequate diet could produce ill effects and create havoc in everyday life, felt that he had a responsibility to his school pupils. He was particularly interested in children who came from an allergy-prone family, and who manifested behavioural problems. "Could the unacceptable behaviour, which showed itself in a variety of ways, in outbursts of emotion, aggression, intermittent loss of hearing, etc., be caused by the food which they were eating daily?" On investigation of the school tuck shop, he realised its deficiencies and gradually eliminated those foods containing additives and flavourings and replaced them with nutritive foods. It was noted how some of the children changed from being unruly and disruptive to being co-operative, willing to learn, and playing happily together with only the occasional flare-up.

It is reported that this was such a successful programme that other schools expressed interest.

There is a contrary view. According to Dr Hilary Haines of the New Zealand Mental Health Foundation, "the relationship between diet and violence is an interesting area but not sufficiently established for it to be worthwhile making a major thrust in that direction."

As part of the Justice Department's submission, we received a comprehensive study paper prepared by Mr Colin Bevan, which reviews articles and studies in the field of orthomolecular treatment, and in particular non-hypoglycaemic diets. This paper was prepared in 1981 for the Penal Policy Review Committee. We were informed that it was referred to experts in the field of diet in the Health Department, who endorsed Mr Bevan's general conclusion "that at present, the proponents of orthomolecular treatment do not put forward sufficiently well-researched experimental and theoretical data to support their claim that such treatment represents a major step forward in the fight against crime." It is to be noted that the studies he reviewed included those by Dr Schauss and Mrs Barbara Reed.

However, he did see two areas of possible interest to those working within the criminal justice system, namely, in the reduction of aggression within prisons by manipulation of diet, especially by the reduction in the level of consumption of refined carbohydrates, and in the education of inmates and those on supervision on the importance of good dietary habits.

At best, we felt that the current enthusiasm for dietary regulation was following a pattern similar to that noted with other medical innovations, namely, that a period of overwhelming, uncritical optimism for the benefits of the innovation, followed by a period of pessimism, as the limitations become known, and finally, if it has advantages which outweigh the disadvantages, realistic acceptance.

We felt that the literature we reviewed on dietary control of violence was reflecting the first stage of the pattern. In fact some of the claims being made were so extravagant as to be prejudicial to the case being presented.

Therefore we do not feel that in relation to other factors mentioned in this report, dietary regulation has a high priority for whatever funding is available to address the reduction of violence.

Nonetheless, we were sufficiently persuaded by the material in the submissions to feel that research in a New Zealand setting would be useful, and **recommend** that those in Medical Schools and Departments of Home Science who have an interest in the subject be encouraged to carry out that research.

EDUCATION

INTRODUCTION

Education, both of the child and the adult, was the subject of many submissions, making it one of the main areas of public concern. The Committee regards it as one of the most important areas where long term measures to reduce violence can be implemented. In a survey carried out by The Educational Standards Association in 1984, it found that 563 newly arrived inmates in New Zealand prisons had the normal distribution of intelligence, but in reading and simple arithmetic, over 60% were below Form 1 level as compared to the expected 25%; and in the submission from "Rakau Nui" is this comment—"It is no coincidence that the majority of the detained prisoners in this country are Maoris and that these same people experienced failure or rejection in their early school years."

The New Zealand Mental Health Foundation sees poor anger management strategies, low self esteem, poor communication skills and educational failure as factors favouring the use of violence or leading to frustrations which could be expressed violently. While it may be difficult to be precise about the link between education and violence, the Committee is satisfied that it is established beyond any doubt.

Many of the submissions contained constructive ideas for improvement of the education system, while others were confined to criticism of the system. Examples of the latter were that schools had classes that were too large, so that the individual was lost; that they lacked discipline; made some children into failures; were deficient in the teaching of cultural awareness and caring; taught subjects of little relevance, or too many subjects; were unconcerned about truancy; and encouraged children to assert themselves and challenge the status quo.

It must in fairness be said that 1986 saw considerable research and discussion on education. Two Committees established by the Minister of Education in November 1984 produced discussion papers. One was the Curriculum Review 1986. It was a draft paper that was distributed widely throughout the country for comment. It interpreted "the curriculum" as all the activities and events that take place in the schools learning programme. The final report was to be presented by the end of December 1986.

The second was The Ministerial Review Committee of Inquiry into the Curriculum, Assessment and Qualifications in Forms 5—7. It recommended proposals that endorse the notion that all pupils should have the opportunity to be recognised for their strengths and achievements.

In November 1986 The Education and Science Committee announced its intentions to conduct an inquiry into the quality of teaching and this report was presented in December.

All of these reports cover areas that are relevant to the problem of violent attitudes in our young people. They look at the relevance of the curriculum, assessment procedures, racism, the quality and effectiveness of teachers, schools' contact with their communities, and the need for young people to develop self esteem, confidence, self respect and a sense of responsibility.

There have been many other research documents produced that expressed similar concerns, among them being the Secondary School Staffing Working Party Report which recommended increased staff for most areas including guidance, and a review of the "special needs" allocations including reading. The Government has expressed a commitment to the phased implementation of that report but no specific timetable has been announced. The "Johnson Report" of 1977 expressed similar ideas. Progress and change has been slow.

Apart from the reports, there has been some positive action. Support has been given to the pre-school area; Taha Maori was promoted; the Peace Studies discussion document was made available in schools, and the Health Education syllabus was introduced.

Two changes were made to procedures, namely, the removal of the University Entrance examination making the Sixth form certificate the only award; and in the Fifth form, school certificate results have been amended to a 7 point scale so that all students who sit will receive an award in each subject. This is aimed at reducing the sense of failure among those who achieve less than 50%.

THE ROLE OF THE TEACHER

Apart from parents, teachers are the most important people in a child's life.

It is they along with parents who must nurture the growth of the individual child so that there is the opportunity to gain a wide range of knowledge and skills, and challenge the child to achieve the best of which it is capable. They must develop attitudes and values in the child which give it a sense of responsibility to other individuals and the community and they must present their message in a disciplined way, with equality of opportunity and an equitable outcome.

The "education of the whole child" concept is basic Education Department policy, but this emphasis does not seem to have been adequately communicated to teachers in the past, especially to those in the secondary service. Some teachers have become increasingly exasperated by developments and changes over recent years. These changes have resulted in an increasing amount of time being spent dealing with children's problems. Teachers need more time to deal with individual children and they need more specialist assistance and more training should personal feelings of inadequacy arise.

The Committee recognises that teaching is a stressful and demanding profession and there is no intention on its part to add to the pressure. To the contrary, it is hoped that recommendations calling for support for teachers will be acted upon.

THE IMPORTANCE OF THE HOME TO A SCHOOL CHILD

Abuse in the home environment leads to a negative self image in children, who feel worthless, incompetent, unloved and unlovable. Such children have low self esteem and a lack of self confidence and use so much of their energy fighting anxieties that they have little left for the task of learning. For such unhappy children the new experiences which school can offer are not seen as challenging and exciting, but rather as frightening, and providing further opportunities for failure, so reinforcing the unhappy home experience of failure and rejection.

Teaching can only be successful when the needs of the children have been met in the home, when they feel safe, and are emotionally stable with their self esteem intact.

COMMUNITY INVOLVEMENT

Some submissions suggested community involvement on a structured basis with courses to pass on skills and experiences during planned times. Others supported a freer involvement with members of the community being able to move around the school and be available where they could assist. Both schemes contemplated the involvement in the main, of older members of the community. Also advanced was the notion of local Maori elders being available on the school Marae, or somewhere where students could sit and talk with them if there was no Marae.

Each school develops its individual liaison with the community, but the comments made concerning alienation and shyness felt by some parents (and no doubt the community at large would share the same feelings) must have some substance, and schools should consider whether they are not losing out by not involving a cross-section of parents and the community in the teaching process.

We appreciate that many teachers live outside the community they serve and this could make for difficulties, but the idea of the school being part of the community is an excellent one and it seems remarkable that all are not. The change must come from both the community and the school, but it is the school which must lead the way.

We therefore **recommend** that school committees, P.T.A.'s, Boards of Governors and school staff recognise that they all have a responsibility to work together to establish community involvement. This should include tribal authorities and Marae committees and Pacific Island groups where appropriate.

PRE-SCHOOL EDUCATION

The Committee agrees with the submissions received that this is the most important area of education, a view accepted by the Education Department which has made more staff and resources available and is considering the upgrading of teacher training. Despite the Department's efforts, the position is far from satisfactory and urgent measures are called for. Pre-school teachers are a vital link in the community network. They provide support for parents, and can detect child abuse and the child who demonstrates violent tendencies. Although no real community network is yet in place, that must be the goal so that families and children are supported at every stage. The Kohanga Reo development has come of age with bilingual children entering primary schools and association with this movement involves parents, grandparents and friends, in education in a way not previously possible. The participants take real pride in their association with the movement, but the need for more bilingual teachers at the primary level is a problem not yet resolved.

The submission from the New Zealand Free Kindergarten Teachers Association claimed that investment in early childhood care and education would reduce violent offending in society, and this view was supported by a paper by Dr Stephen Juan, Lecturer in Education at the University of Sydney. Finding support in notable reports on early childhood programmes, he said:

"It has long been acknowledged that high quality centre-based early childhood education and care programs benefit children, families and society. For example such programs complement the child-rearing and child development efforts of the home, and in particular, aid the development of children with special needs (migrant children, non-English speaking children, isolated children, children at risk and so on). The research literature supporting the benefits of such programs is voluminous (e.g. Almy, 1975; Bereiter, 1972; Caldwell, 1974; Day & Parker, 1977; Evans, 1974; Frost, 1968, 1972)."

The Committee is of the opinion that there is an urgent need for increased resources in early childhood education if positive results are to be achieved for all pre-school children and their families, and we therefore **recommend**:

- (a) An immediate increase in the length of training for kindergarten teachers and child care workers;
- (b) Equal status for teachers in the total field of education;
- (c) Realistic teacher/child ratios in centres and kindergartens;
- (d) Adequate and equitable funding of early childhood services.

What we have said earlier concerning community involvement applies equally to pre-school education.

AN EXTENDED CURRICULUM

There was some support for more teaching of the basics, but the majority of submissions that mentioned the curriculum would see it extended by the addition of such subjects as: human relationships, domestic finance, hygiene, the ability to deal with peer and social pressures, drug, alcohol and solvent abuse and their consequences, the link between rights and responsibilities, and the law and institutions of the law.

So far as the "basics" were concerned, there was frequent mention in the submissions of increasing illiteracy. Evidence of it is not easy to find and many relied on "a gut feeling" that it was becoming more common and that it was a factor bearing on the issue of violence in the society. On the other hand, people involved in education do not believe that standards have dropped and point to the increasing numbers sitting school certificate. A link between illiteracy and violence is difficult to establish but it is certainly a condition which will result in low self esteem and educational failure which the New Zealand Mental Health Foundation regards as factors leading to frustrations which could be expressed violently. It is true that illiteracy and criminal offending are often linked, together with another factor—an un-supportive home. We shall now consider programmes that are available bearing on the issue of literacy.

THE READING RECOVERY PROGRAMME

This received strong support in a number of submissions. It is a programme that checks the reading ability of all six year old children. The low achievers are given individual daily lessons by teachers especially trained for this programme. The idea came from the work of Professor Marie Clay and is enthusiastically supported by teachers.

The Hutt Valley Reading Recovery Group summed up the position in this way:

"Of course we would not say those who do not learn to read become perpetrators of violence, but we do say that those children who are early reading failures become non-achievers who fail right through the education system. Reading Recovery has succeeded beyond expectations. Follow-up studies show its effectiveness across ethnic groups. Children develop skills that enable them to progress when they return to the classroom—something that has not happened with any previous attempts at remedial teaching."

According to the report of the Education Department of 31 March 1986:

"Reading Recovery procedures are now provided in 838 New Zealand primary schools for about 10% of the six year old population."

This programme is certainly achieving success but is not reaching enough children quickly enough.

SPELD (SPECIFIC LEARNING DIFFICULTIES)

This group is very active but as yet has not been officially recognised by the N.Z.E.I., P.P.T.A. or the Education Department. SPELD tutors have had intensive training for several weeks. Their pupils come to them by word of mouth recommendation and, in most cases, are brought by parents with a child whom they consider is not learning as it should. The parents organise and pay for this extra tuition.

It seems clear that neither the Reading Recovery Programme nor SPELD are reaching all the children who require assistance with learning difficulties.

Apart from such aid, primary teachers could provide much more in the way of remedial teaching and counselling if they had the opportunity to work more frequently with small groups.

THE OTARA READING PROGRAMME

This was established by a group of parents, teachers, principals and community workers. It works in this way—teachers identify, at the earliest opportunity, children in junior classes who are not making satisfactory progress, and whose behaviour is causing concern. A basic programme follows which involves a daily one-to-one four minute session of learning reading skills. Each school employs a community worker so that a liaison with the home is established. The programme is effective. The initial goal of teaching reading skills is achieved and behavioural problems overcome. We believe this is a scheme worthy of more investigation. At present it is operating in eleven schools with community workers funded by the Otago Community Funds and the Departments of Health and Social Welfare.

RECOMMENDATIONS

1. That the Education Department continue and extend the programme to assist low achievers by ensuring that reading recovery tuition is available for all children who require it.
2. That the existing reading recovery programmes be taken as a model for assisting young people with difficulties in other areas of the curriculum, specifically mathematics. This would require a research programme to be established.
3. That the concerns expressed in the SPELD section be met by providing more release time for primary teachers, and for an extension of the remedial services in secondary schools. This would enable them to work with individuals or small groups if they wish.
4. That the Education Department assess the Otago Reading Programme with a view to its incorporation into the existing remedial programmes.

TAHA MAORI

The aims of Taha Maori are clearly set out in the submission from the Minister of Education.

"Taha Maori, designed to have aspects of Maoritanga pervade a schools' culture and spirit, will, I believe, encourage a growing number of Maori children to feel valued and confident in their schooling. There has been a rapid expansion of the Maori dimension in schools in recent years."

The Committee endorses the aims behind the introduction of Taha Maori.

While recognising the opportunity recently provided for the Maori community to accredit suitable fluent speakers of their language, with the right to become teachers in State secondary schools, more must be done to fill the vacancies at that level.

RECOMMENDATIONS

To hasten the spread of Taha Maori and to put more specialists into the field we **recommend:**

1. That more Maori teachers and teachers of Maori be recruited.
2. That schools be encouraged to include Taha Maori, and to share successful experiences, with time being allocated for this.

3. That teachers, principals, advisors, teachers college lecturers and inspectors, be instructed in the recognition of racism and its effects and be alert to take active steps to eliminate it from schools. Resources should be provided to this end.
4. That teachers be given the opportunity to become familiar with Maori Kawa (protocol and procedure) in all its aspects, and to learn the language.

CONFLICT RESOLUTION AND HUMAN RELATIONSHIPS (PEACE STUDIES)

Hundreds of submissions mentioned the need for people to learn to resolve conflicts peacefully. Conflict resolution was not mentioned in The 1979 Select Committee Report on Violent Offending which perhaps indicates a growing change of attitude in society.

The Peace Studies Discussion Document which is presently available in schools, was praised by many. People of all ages and interests seemed to be familiar with it and expressed hope for its effectiveness. Teachers from schools where these principles for conflict resolution are used, reported success. The Discussion Document was the result of a Working Party set up in November 1984 and included teachers' organisations, parents, teachers, principals, teachers college staff and other interested groups.

Peace Studies is not seen as a separate subject to be added to the present curriculum, nor does it replace basic subjects. Rather, it is a "dimension" which can be readily integrated into existing subjects and has cross curriculum implications. It provides a focus on subjects such as health, social studies, language and science where the content and approaches in existing syllabus statements give opportunities for peace-related issues to be explored. Such issues occur at the interpersonal level as well as the national and global levels.

To be fully effective, Peace Studies need to be supported by both the school and community, for all education which seeks solutions to social problems is, in effect, Peace education.

RECOMMENDATIONS

1. That all teachers at all levels be given opportunities to discuss and implement Peace Studies as soon as possible, and that resources necessary to that end be made available.
2. That the public be informed of the true nature of "Peace Studies", the title being ambiguous.

EDUCATION IN PARENTING SKILLS AND HEALTH

Many submissions were received on these aspects of education and there is nothing new in the plea that they should be implemented. In 1977 The Johnson Report on Health and Social Education referred to the need for "education in parenthood to be a priority in health and social education"; and the 1979 Select Committee on Violent Offending said:

"The Committee believes that responsible parentcraft can best be encouraged by the creation of means to teach parents, and children as future parents, the ways of developing a healthy family life and relationship with the community. In this respect, the Committee gives general support to the ideas proposed in the report of The Johnson Committee, 'Growing, Sharing, and Learning'."

The fact that many new parents are inadequate and need to be taught how to be good parents is not in dispute. It is where that training should begin that poses the problem. The emphasis in the submissions was on the teaching of parenthood as a separate topic, but to teach it in isolation does not recognise the varying stages of development of secondary school children. It is also likely that the submissions meant different things when they asked "that schools teach students how to be good parents."

There is great pressure being exerted for the classroom to be the place where parenting is taught. Certainly, the potentially inadequate parents are there, but they are often the young people most in need of the information already to be found in the Health and Home Economics 1—4 Syllabi. Parenting as such, is not listed there, but there are many topics included relating to physical and social development, attitudes and values which are appropriate to the child's age and stage of development. This may be what some submissions sought and such a course certainly gives a lead into what could be termed "Parenting Skills". Some schools run very comprehensive life skills programmes which include parenting, and the Committee certainly supports these. However, we consider that the topic is not easy to teach or evaluate and that a trend should not develop where schools are expected to meet the responsibility alone.

The following is a brief summary of themes covered in The Health Education syllabus.

Building Self Esteem: By becoming aware of one's own strengths and abilities and by understanding one's feelings, the student learns to value himself and gain a sense of assurance.

Eating for Health: An understanding of food needs and how these relate to growth and health enables students to choose food wisely.

Caring for the Body: Relating basic practices in body care to health and feelings of well-being, encourages students to develop healthy routines.

Physical Activity for Health: By enjoying a variety of physical activities, students establish regular patterns of activity and recreation.

Staying Healthy: Students can care effectively for their own health and the health of others by learning how to prevent illness and infection.

Keeping Safe: By becoming aware of hazards and safe practices, students can learn to act safely and with confidence in their daily lives.

Relating to Others: Developing skills and understanding in relating to others, helps students build confidence in themselves and satisfying relationships with others.

Finding out about Helping Agencies: A knowledge of the helping agencies in the community enables students to make appropriate use of the services offered.

Having a Role in Community Health Issues: Developing a sense of involvement in community health issues, encourages students to take an active role in meeting the health needs of others.

RECOMMENDATIONS

1. That the Home Economics Forms 1—4 Syllabus and the Health Education Syllabus become part of the compulsory core curriculum in secondary schools. Both are important to good parenting and a reduction in family violence.
2. That all teachers required to teach the Home Economics Forms 1—4 Syllabus and the Health Education Syllabus, be given inservice time to become familiar with the subjects and to share experiences.

QUALIFIED NURSES IN SCHOOLS

Several submissions made the point that intermediate and secondary schools would benefit from having a qualified nurse as part of the school staff. At present, children in the 5—14 year age group come under the care of Public Health Nurses through the Health Department's Service to schools. These nurses visit schools to assess, advise on and discuss child health with the teacher or principal, act as liaison between home and school on health matters, and participate in health education as required.

The number of Public Health nurses has increased but in 1980 a survey of New Zealand schools found that each nurse was responsible for the health supervision of some 1260 primary school pupils, and, to a more limited extent, for 563 secondary school pupils.

The Child Health and Child Health Services Report 1982 recommended:

"That Public Health Nursing Services to children in the 5—14 year age group, be expanded to provide for more comprehensive developmental health care, and the further development of services to secondary schools."

Research conducted by the Committee for Children indicates a wide variation in the availability to schools of Public Health Services.

In this Committee's opinion, a qualified nurse would have an important role as part of a secondary school staff, but to work successfully with adolescents, trust must be built up and this requires continuity. Such a resident nurse would be able to help with the Health Education Programme, act in liaison with the Public Health nurse and other health services, hold prescription medication (an increasing problem with main-streaming) and be on the spot to recognise and follow up drug, alcohol and physical abuse, and children at risk.

RECOMMENDATIONS

1. That the Departments of Health and Education investigate the need for qualified nurses to be part of secondary schools and intermediate schools staff.
2. That these nurses be paid a rate commensurate with other nursing professionals within the workforce.

PARENT EDUCATION CLASSES

It was suggested by some, that schools should run parent education classes. It may be that some schools are doing this now although no evidence was presented to that effect. Valuable resource people in the community could assist schools with this. They may be specialists in adolescent behaviour or health, the community constable, or others who have something relevant to offer.

The very popular and well organised national groups such as Parents' Centre give support to those who attend but, as usual, the people most in need do not get involved. A suggestion that arose several times was for a national network of parent support groups.

RECOMMENDATIONS

1. That the Departments of Education, Social Welfare and Health combine with local authorities to run parent education courses, similar to those run by Parents' Centre, Parentline and various Religious Social Services. These should be held where they will attract the largest group of parents. Schools could be the base, or the local Marae committee or a church group could be the hosts.
2. That the Committee endorses the idea of a national network of parent support groups.

SPECIALIST SERVICES

It is well established that teachers can identify potentially violent children at a very young age. This passage is from a submission by a retired school principal:

"A high proportion of later violent offenders show signs of aggression or violence as primary school pupils, often as five year olds. These children can be easily identified."

Pre-school teachers made similar comments.

The teacher's ability to recognise potential problem children and to use the available support systems is crucial. While it is recognised that a support system does exist, criticism was made of its inability to deal promptly with children once the problem was recognised. The Psychological Service and the Social Welfare Department both came in for criticism in this regard.

What is required is not only a strengthening of those support systems but special attention given to how they liaise with schools. There are limits to the extent that teachers can deal with violent children and specialist opinion should be more readily available than it is.

However, a major problem exists in the area of mental health services. While a number of extremely good Child and Family Units have been established throughout the country, there are by no means enough to cope with the existing demands on their services.

These Units are funded by Hospital Boards and the Department of Social Welfare and provide assessment, consultation and treatment. They also aim to support agencies and individuals in the community which deal with young people.

The involvement such units have with schools is particularly important to support. However, these services assume low priority from their funding bodies.

There already exist classes for special purposes in primary schools and have done so since 1917. They cover some thirteen areas of need, one being behaviour. At present, there are two approaches in primary and intermediate schools to the behaviour problem—"adjustment classes" where the child is withdrawn from the class and placed with a group (there are twenty such classes) and "guidance and learning units" which assist the child to alter its behaviour while remaining with the class (there are four of these classes).

Further, there are about sixteen "activity centres" for secondary students unable to settle and learn in a normal school situation. There is an increasing movement toward the "guidance unit" approach. This involves all the existing services such as visiting teachers, psychological services, reading advisors, etc., and in secondary schools has the addition of the Guidance Counsellor.

Learning to adjust to the classroom environment is a much greater challenge than joining in with a group of equally poorly adjusted young people, and, removal from the class group, even if the child welcomes it, simply reinforces the alienation already felt. There are already Guidance Counsellors in secondary schools but some thought that this was too late, and suggested that the 10—12 year age group would be a more useful starting place. Another view was that one-to-one counselling was not as effective as behaviour modification. If the "guidance unit" approach becomes widespread these concerns will be dealt with.

We therefore **recommend**:

1. That teachers at all levels be made aware of the support systems available to assist with potentially violent children.
2. That the Department of Education examines the support systems available with a view to reducing the delay between the request for assistance and its provision.
3. That Child and Family Units receive increased priority in the way of establishment and staffing as a matter of urgency and that they be community based and easily accessible, particularly to teachers.

LEGAL EDUCATION

The Police Department is represented in schools by the Youth Aid Section and the Law Related Education Programme. There was praise for the very good service provided by

Youth Aid Officers, whose purpose it is to identify where problems in children and young people may lie and provide a remedy by:

- identifying persons at risk and initiating action to assist them;
- initiating action by other agencies to rehabilitate young offenders;
- co-operating with all agencies and groups involved with young people to ensure preventive activities are undertaken.

The Law Related Education Programme is introduced into schools by Police Education Officers and is devised to assist children to understand the Police and the role of the law, and how to make decisions within the law. It includes the "Keeping Ourselves Safe" programme, which helps children to develop strategies to cope with, and avoid approaches from people who might subject them to some form of abuse.

Traffic Officers present educational and preventive programmes in schools and there was praise for their work also.

The role of Police and Traffic Officers is very important in the school community. They have a key role in prevention and in identifying trouble, but they could have a higher profile in many schools.

We see a place too for involvement in schools of Law Societies and the Justice Department.

Some knowledge of the law could instill respect for, and cast out ignorance of it, and the lessons it teaches concerning conflict and problem solving would be invaluable. Ignorance of the law and of the rights and obligations it upholds is a fruitful source of frustration and injustice according to the submissions.

RECOMMENDATIONS

1. That the Departments of Education and Police introduce the "Keeping Ourselves Safe" Programme into all schools as soon as possible.
2. That the role of Police and Traffic Officers in education be given a higher profile, and that extra staff and resources be provided to that end.
3. That the New Zealand Law Society and the Departments of Education and Justice give consideration to basic instruction in the law being introduced into schools.

SCHOOL-BASED TRANSITION COURSES

These provide opportunities for students to obtain outside work experience while still attending school. Such schemes have been operating since 1979 and about 200 schools run them but with minimal teacher allowance.

The schemes are generally targeted to assist those pupils perceived to be most at risk as to future unemployment and work exploration opportunities, and aim to improve the ability of the pupils to respond to social situations, cope with job search challenges, and the basic requirements of the work place. It can involve third or fourth formers and older.

There is a "link" programme available and pupils in this scheme may spend one day a week at a technical institute sampling skills which help them choose a profession. This is for second year fifth formers and older. Because poor motivation and attitude are two reasons why pupils leave before they should these courses can be very valuable. The students can see for themselves the advantages of returning to school and working to acquire the qualifications they need to get the job they want.

ADULT EDUCATION

The concept of education continuing past the years of formal schooling is now well accepted in the community. A job is seldom for a lifetime and the need for retraining will soon be common place. The aspect of this which is particularly relevant to violence, is adult illiteracy. The frustration of not being able to communicate adequately, and the choices denied because of this lack, are cause for great concern. As an example of what can be done, we refer to the submission from The Porirua Language Project Inc. in which it said:

"Over the last eight years The Porirua Project has provided one to one tutoring in literacy and numerical skills and E.S.L. (English as a Second Language) to adults in the Porirua Basin. The majority of our clients are young men who have low self esteem, having seen themselves as failures in the school system. For our clients, often their feelings of frustration at their lack of skill, manifest themselves in violence either at home or in offences against property or other people."

Services mentioned in submissions included:

W.E.A. (Workers Education Association)

This is a community based voluntary organisation partly funded by Government (35%) and by Trusts and the students themselves. Literacy is of prime importance and most areas have adult literacy classes.

A.R.L.A. (Adult Reading and Literacy Association)

This has two national co-ordinators their work too being community based. They obtain tutor hours allocated from the local technical institutes.

National Council of Adult Education

This has been funded by a Government grant which will cease on 31 March 1987. At present an Interim Advisory Committee is considering how funding should be allocated, how it should be spent, and the structure and policy of future adult education programmes.

The emphasis on adult education and its funding is inadequate. Without enormous voluntary input many groups could not function. There are other groups and individuals outside the formal network who are quietly helping people.

Education Officers in the Prison Service

The recent Government announcement of more teachers being allocated is well received. The quality of education programmes being offered, varied considerably and additional staff will be appreciated.

Continuing Education Classes 1987

These are a new development from the previous "Night Classes" run by secondary schools. The aim is for the local community and the school to identify needs and plan programmes. Some schools have worked this way before, but for others it is an opportunity to include more adult literacy type courses.

Transition Education Once People Leave School

From 1 April 1987 the Access Scheme will be implemented. It replaces most of the schemes previously operating. There is a similar course run by the Board of Maori Affairs through

Tribal Authorities. In both schemes considerable responsibility has been given to the community.

It is hoped that these groups will rapidly develop the skills to implement ACCESS so these courses serve a very useful purpose.

TRADE AND TECHNICIAN TRAINING SCHEMES

A pre-requisite to these schemes has always been that the person had a job. In November 1986, the Government announced its decision to remove this requirement. This is seen by the Committee as a very positive move to widen opportunities.

RECOMMENDATION

That the Departments of Education and Labour continue to share their concern for adult education but that adult education be assigned a higher priority with increased funding provided.

Open University/University of the Air was also mentioned by a number of people who had experience of its workings overseas. It was encouraging to hear from TVNZ that discussions have been held with one university on the subject. Nothing definite was underway, cost being a major consideration.

We consider that the concept has real merit and *recommend* that it be pursued.

RELIGIOUS EDUCATION

The demise of religious teaching in schools was mentioned by a few people who wrote with conviction. Schools may conduct religious education for 30 minutes per week. The school is effectively closed for that time and parents must be notified. The school committees have the final responsibility. Our Committee considered this to be a matter for parents, churches and individual schools to consider.

CORPORAL PUNISHMENT IN SCHOOLS

As in the 1979 Select Committee's report, there was support both for and against corporal punishment. Two secondary school principals spoke to the Committee as strong advocates of punishment. They felt that it was a very effective and necessary part of the discipline in their schools. Many others, who wrote of the lack of respect in today's schools and in many young people generally, felt that more corporal punishment would go some way towards altering that trend.

Those against corporal punishment referred to the double standards in some schools, e.g. where student hitting student is not permitted but with teachers having the right to administer corporal punishment to pupils.

We also heard of instances where the school atmosphere had improved when corporal punishment was no longer administered.

RECOMMENDATIONS

The Committee

1. supports, in principle, the proposal of the Minister of Education to eliminate the use of corporal punishment in schools;

2. recommends that schools electing to continue with the use of corporal punishment should be called upon to justify their reasons for so doing;
3. recommends, in association with No. 1 above, that inservice training in alternative methods of classroom control be provided. This could be an extension of the "Teacher Effectiveness" programme;
4. recognises that class size is a factor having a bearing on maintaining effective classroom control, and recommends that the necessary steps towards establishing smaller classes be implemented as soon as possible.

TRUANCY

The Police, the National Council of Women and others presented submissions on this aspect of education, and the Committee sees it as an important one.

According to the Police submission, absenteeism in the Auckland area is at an average rate of 3% with some schools reporting truancy as high as 10%. There can be no doubt that the truant is a young person "at risk", with involvement in petty crime leading to more serious offending, being almost certain.

The Working Party of The Johnson Committee on Health and Social Education said it all in this part of its report:

"As has already been stated, in some cases as many as 200 half days can be lost before a child reaches intermediate school, and there have been instances of children losing two to three years of their schooling. In general, absentees tend to come from that section of the school population which can least afford the educational deprivation which results.

The Police Youth Aid Section evidence, and that obtained from overseas studies demonstrates a linkage between absenteeism and delinquency—a linkage which leads to the tentative conclusion that, insofar as schools fail to deal with the underlying problems which may lie within their province, they also contribute towards criminal behaviour during the school years and in adult life.

Absenteeism and disruptive classroom behaviour (both of which may stem from the same complex socio-educational causes) reduce the efficiency and effectiveness of the school system and lead to a considerable waste of public money.

A further drain on public moneys comes from the need to provide extensive ancillary services such as attendance officers, visiting teachers, remedial teaching services, psychological help, Court and Magisterial services, educational personnel and others involved in Court prosecutions, Police participation and the like. If absenteeism were reduced by making the school a more attractive and educationally effective organisation, much waste could be avoided, and the money saved could be channelled into providing better and improved educational facilities.

Children who gain little from the education system can become permanent denigrators of education and the opportunities education provides. In consequence, the community as a whole suffers from some degree of unnecessary and damaging 'anti-educationism', which is self-perpetuating and harmful to the social and economic health of society.

The anti-social attitudes developed in children who are victims of the absentee syndrome, and the larger socio-educational problems which lead to this, may persist into the world of work and contribute to work absenteeism and low productivity later.

Absenteeism, together with its underlying and complex causes, can be disruptive of family life and produce consequences which persist over a period of several generations.

The failure of children to attain their full educational potential and to become responsible citizens fully integrated into the community, contributes to reduced earning power in adult life, affects family budgeting, the quality of family life, and the economy of community life as a whole."

We agree with the submissions made to us that this is an issue calling for urgent attention.

The Johnson Committee Working Party made comprehensive recommendations all of which deserve serious consideration. The Standing Committee on Education of the National Council of Women has fully endorsed those recommendations (with minor reservations) and has expressed real concern at the delay in implementing them. We share that concern.

We **recommend** that urgency be given to the implementation of The Johnson Committee Working Party's recommendations (with the possible exception of recommendations 19, 20 and 21 which relate to creches and kindergartens to be attached to schools and to be used by senior pupils in child development and the like).

In the course of its submission, the National Council of Women made a number of recommendations which it said could be added to those of The Johnson Working Party. We do not adopt these recommendations as our own, but we see merit in them, and simply present them for consideration by the Education Department. They are:

- (a) The pamphlets to be issued to parents at the time of enrolment should be available in languages other than English.
- (b) Similar pamphlets should be issued to both pupils and parents at the time of enrolment in intermediate and secondary school.
- (c) The Education Department should undertake a public relations campaign, which would include the use of television, to encourage positive attitudes towards education and the schools.
- (d) There has been much study, and many recommendations made, on the failure of the education system for Maori pupils. The Working Party asks for more research into the reasons for Maori disenchantment. We would ask that urgency be given to **widespread** implementation of programmes which will help Maori parents overcome their negative attitudes to the schools.
- (e) More Truancy Officers should be appointed—by the time legal action can be taken the damage to the child's education can be irreparable and the pattern of absenteeism unbreakable. Furthermore, the threatening of parents with serious legal consequences is of little value if such proceedings are likely to be long delayed."

FIREARMS AND OFFENSIVE WEAPONS

The public and the Committee are concerned at the apparent increase in the possession and use of firearms and other weapons, and a significant number of submissions were received on this topic, although most were simply a general condemnation of the use and availability of weapons. In the Police Department's report we were told that:

"Assaults with fists have been replaced by knife and baseball bat."

and the New Zealand Law Society referred to the easy availability of obviously offensive weapons.

Almost all of the submissions to the Committee on the topic of weapons were general in nature, expressing strong beliefs that weapon possession and use were on the increase. We were not presented with, nor could we find ourselves, any conclusive statistical evidence supporting the widely held belief that weapon use, generally, was on the increase in this country, apart from figures obtained from the Justice Department up to the end of 1985 which indicated an increase in unlawful *firearm* use over the last eight years. Statistics were only available for firearms, as distinct from a variety of other weapons which the Police firmly believe are in increasing use.

One notable feature of the statistics is the steady increase in the use of firearms in robberies—31 in 1978 and 83 in 1985.

Many of the submissions suggested increased statutory sentences for offences involving weapons. Elsewhere in this report we have discussed and rejected the proposition that there should be an "across the board" increase in maximum penalties. In any event, we believe that the maximum penalties for the use of weapons are adequate. Aggravated robbery and aggravated assault carry maximum sentences of 14 years imprisonment, and we believe that The Arms Act 1983 contains adequate maximum penalties, with a few exceptions which will be noted later. However, the Committee does believe that more can be done to control and deter the unlawful *possession* or *carriage* of weapons. It is mainly in this area that we believe increased penalties are justified.

CURRENT LEGISLATION

There have been a number of recent amendments relating to firearms, offensive weapons and knives and the law can now be found in three Acts—The Crimes Act 1961, The Arms Act 1983 and The Summary Offences Act 1981 and their amendments.

Apart from murder, attempted murder and manslaughter, a variety of charges are available to the prosecution. A summary, together with the maximum penalties, are here listed:

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|--|--|
| 1. Using a firearm against a Law Enforcement Officer, etc. | 14 years imprisonment
(Crimes Act S.198A) |
| 2. Using a firearm to resist lawful arrest | 10 years imprisonment
(Crimes Act S.198A) |
| 3. Committing a crime with a firearm | 10 years imprisonment
(Crimes Act S.198A) |
| 4. Assaulting any person with a firearm | 5 years imprisonment
(Crimes Act 202C) |
| 5. Committing a burglary with a firearm | 14 years imprisonment
(Crimes Act 240A) |
| 6. Unlawful possession of a pistol or restricted weapon | 3 years imprisonment
or \$4,000 fine
(S.50 Arms Act) |

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|-----|---|--|
| 7. | Unlawful carriage in public place of a firearm | 3 years imprisonment or \$4,000 fine (S.51 Arms Act) |
| 8. | Careless use of a firearm | 3 years imprisonment or \$4,000 fine (S.53 Arms Act) |
| 9. | Presenting a firearm unlawfully | 3 months imprisonment or \$1,000 fine (S.52 Arms Act) |
| 10. | Using or discharging or carrying firearms, or carrying imitation firearms or being under influence of drink or drug while in possession | 3 months imprisonment or \$1,000 fine (Sections 45, 46, 47, 48, 49 Arms Act) |
| 11. | Being in possession, without lawful authority or reasonable excuse, of any offensive weapon or disabling substance | 2 years imprisonment (S.202A Crimes Act) |
| 12. | Being in possession of a knife in a public place without reasonable excuse | 3 months imprisonment or \$1,000 fine (S.13A Summary Offences Act) |

We turn now to consider whether further offences are required, or penalties for existing offences increased.

The Committee recognises that many acts of violence are committed in "hot blood" with little thought to the punitive consequences. However, we believe that the decision to carry a knife, has sufficient "malice aforethought" to be the subject of a deterrent penalty.

We believe that the person who decides to arm himself by slipping a knife into his pocket before going out, must be made aware that the mere possession of the weapon could result in a severe penalty.

The Committee recognises too that the criminal law usually punishes action with a weapon more harshly than passive possession of it, but we believe that more emphasis must be given to possession simpliciter in order to eliminate future unlawful use.

A very sincere and well presented submission was sent to us by some inmates of Mt Eden Prison in which it was argued that to focus on passive possession of a weapon as opposed to actual use was wrong. The submission was critical of the approach which made potential results rather than actual results the determining factor.

However, we believe the time has come when possession of a knife in a public place (Section 13A Summary Offences Act) should be as serious an offence as possession of an offensive weapon in a public place (Section 202A Crimes Act).

The Committee also believes that the availability of knives and weapons generally has reached the stage where further control is called for. Sports shops and chainstores openly display knives and other weapons of such a nature that they appear to have no legitimate use.

For example, The New Zealand Law Society's submission refers to "A type of catapult sold in some shops which will fire a bolt quite a distance. It can be carried on the wrist concealed under a garment."

This country does its best to vet and control indecent literature and there is also control on the sale of firearms. Not to do so in respect of knives and other weapons is illogical.

We believe that the proliferation of weapons for lawful purposes has led to an equal proliferation in the use of the same weapons for unlawful purposes. The result is that it desensitizes people to their dangers, and leads to their use in situations of conflict.

We make the following *recommendations*:

1. That there be stricter control on the import, manufacture and sale of knives and other articles capable of being used as weapons and having no manifest legitimate use.
2. That the law in relation to unlawful possession of knives (S.13A Summary Offences Act) be amended by increasing the maximum penalty for possession to two years imprisonment. (This will probably need a transfer of this particular offence so that it comes within S.202A of The Crimes Act).
3. That the law be amended by providing that for a second offence of being unlawfully in possession of a knife (S.13A Summary Offences Act) or of an offensive weapon or disabling substance (S.202A Crimes Act) committed within two years of the earlier offence, the offender is to be imprisoned, unless the Court is satisfied that because of the special circumstances of the offence, or of the offender, he should not be so sentenced.
4. That SS 45 and 46 of The Arms Act 1983 be amended to provide for a maximum sentence of two years imprisonment in lieu of the present penalties of three months imprisonment or a fine of \$1,000.
5. That a specific publicity programme in relation to the above proposed changes to the laws, be launched by the Justice Department prior to the passing of legislation so that all New Zealanders are aware of the shift in emphasis inherent in them.

GANGS

There is no simple answer to the phenomenon of gangs. Our aim in this section is simply to put the problem in perspective, and, hopefully, make some recommendations for improvement.

There is probably no subject in the field of law and order that can provoke more selective and distorted coverage from the media, or more emotive, and often ill-informed, rhetoric from those in authority, than gangs. It is therefore surprising that so few submissions were made concerning them. (The term "gangs" was objected to by some groups, and particularly those who would prefer to be called "motor-cycle clubs". We appreciate their point of view but for convenience, we will continue to use the term "gangs" in this section).

Gangs are nothing new. In the 1950's and 1960's there were the Teddy Boys, Bodgies and Widgies, and the Milk Bar Cowboys, who tended to cause the same problems in milkbars as their present day counterparts now cause in hotels. In the late 1960's motor-cycle gangs came into prominence, some of which, such as the Hells Angels and Highway 61, survive to this day. In the early 1970's the gangs which now dominate the scene came to public notice, Black Power, The Headhunters, The Mongrel Mob and others. With the formation of ethnic gangs a new dimension was added, racism.

PREVIOUS REPORTS ON GANGS

In the 1979 Select Committee's Report the problem of gangs is almost a non-event. The report expresses the view that the gang organisation can provide a constructive and productive means of drawing together people whose loss of identity through migration to urban areas, absence of family or tribal influence, socio-economic disadvantage, unemployment or resort to alcohol or drugs, cause them to fail to fit into accepted social environments. It praised the work of work trusts, while expressing the view that gangs should not remain insular and out of touch with society, and saw no need for increased penalties or Police powers to deal with the situation. It did not see disbanding gangs as the answer and in the result, made no specific recommendations concerning gangs.

On the 30th March 1981, Cabinet established a committee to study the gang situation in New Zealand and report no later than the 30th April. Despite the limited time available, the 1981 committee was able to produce a thoughtful and comprehensive report (which is referred to in some detail elsewhere in this report). On the social factors causing gang membership, the 1981 Committee had this to say:

"Gangs appear to be almost entirely a lower socio-economic class phenomenon, are almost universally made up of adolescent males, tend to arise in urban areas, are particularly likely to be formed among migrant populations and ethnic minorities in cities, and are commonly made up of members who come from homes where general family breakdown and alienation has occurred. There is no satisfactory explanation as to why delinquent gangs form in some situations and not in others where there might be considerable individual delinquency. Gang membership is related to urbanisation and the breakdown or lack of extended family care for children. Both parents are often working or there is a solo parent only, and the local community may lack adequate advisory and support services for families. The child senses that the values in society are ones that his parents haven't succeeded at, and often the child's family and neighbourhood background doesn't give access to legitimate channels of success, so that actual or anticipated failure in a conventionally valued area such as education, leads to hostility to authority and control, potential for violence, and an exploitative attitude to social relations. A lower educational and employment status will lead to low self-esteem."

We agree with that statement, but with one exception. From the discussions we have had with gang members, we believe it can no longer be said that gangs "are almost universally made up of adolescent males". There now seem to be many older members, with families of their own, and the need to support them adds to their already considerable problems.

The 1981 Committee referred to the fact that many gang members had failed in the education system and made recommendations on that issue, as we have done in the Education section of this report. It also referred to community involvement and media coverage of gangs.

However, what the 1981 Committee saw as a key issue was the question of unemployment, both as a factor which might encourage people to join a gang, and as one which could influence gang conduct. It was as a result of the 1981 Committee's recommendations, that the Group Employment Liaison Scheme (G.E.L.S.) was initiated in April 1982.

We regard the question of unemployment as still being a key issue. While we have no desire to become involved in, or express views upon the present controversy concerning gang work schemes, we are bound to say that on the evidence produced to us, many of those schemes had positive results in reducing the offending and anti-social behaviour of those who participated in them.

The final report (or perhaps more correctly described as a research paper) to be considered is that by Kelsey & Young (1982) entitled "The Gangs: Moral Panic as Social Control".

Although there is much in this paper with which we do not agree, we believe there is real force in its central theme, and that is the notion of "moral panic", which is referred to in the paper thus:

"This term was first introduced by Stan Cohen (1972) in a study of another form of gang behaviour, the Mods and Rockers in Britain in the mid-1960's. It refers to situations where the 'reaction to a person, groups of persons or series of events *is out of all proportion* to the actual threat offered, when "experts", in the form of Police chiefs, the judiciary, politicians and editors perceive the threat in all but identical terms, and appear to talk "with one voice" of rates, diagnoses, prognoses and solutions, when the media representations universally stress "sudden and dramatic" increases (in numbers involved or events) and "novelty". (Hall et al. 1978, Pg. 16) Cohen suggests that societies appear to go through periods of *moral panic* in cyclical fashion, and that during these periods, particular persons, groups of persons, or types of activity are selected out as a special threat to the social structure, that they are subject to bitter moral attacks by the media, politicians and other "right thinking" people; that they receive special attention from law enforcement and other official agencies; and that their significance then gradually subsides and fades into the background. The rise and fall of this reaction, however, maybe only marginally related to the actual amount of the behaviour towards which the concern is directed. Indeed, the reaction itself may serve to amplify the behaviour by focussing undue attention upon it and by unwittingly encouraging the persons involved to live up to the image attributed to them."

It is our belief that despite the attention periodically given them, gangs are one of the least of this country's worries and, indeed to some extent, they are a result of those more serious concerns.

THE POLICE DEPARTMENT'S SUBMISSION

Gang violence and criminal offending generally are focal points in this submission but its content on this issue, and the manner of its presentation have given us real cause for concern.

These extracts reflect the tenor of the submission:

"Gangs have been a problem for the last 20 years but in the last few years a noticeable change in their attitudes toward authority and their involvement in criminal offending has occurred. Their members are now hardened, often ruthless criminals, responsible for a wide variety of offending from murder and armed robbery to intimidation and drug dealing."

"The basic philosophies of the gang is one of ambivalence to society. This reflects the arrogant attitude adopted by this sub-culture in pursuit of its goals and objectives. Gang members have opted out of society; they do not wish to be like normal citizens or dress like them; that is why they are eager to perform shocking and disgusting acts."

"Gangs have become more co-ordinated and sophisticated, a trend which disturbs the Police. Disorder offences, which typified their past behaviour, are still to be found but now gangs are more heavily involved in serious crime, activities which are more difficult to detect. The tentacles of criminal offending have spread to include both New Zealand and the international arena."

"While the ethnic gangs do not as yet display open hostility towards the white population, it is of real concern to the Police that ultimately a leader will emerge who is capable of setting gangs on the path of urban terrorism. The area to act as a powder keg may be South Auckland where gang influence and social disruption are already commonplace. It is an area with an increasing Polynesian population, steadily declining white numbers and static Maori growth rate."

"The most frightening aspect of gang development in recent years is, however, their growing involvement in internationally connected serious crime."

"The New Zealand Police know that motorcycle gangs are importing and dealing in hard drugs, particularly in Christchurch and Auckland. It is believed that hard drugs are being imported through overseas motor cycle gang contacts."

Criticism of those who make submissions would not normally be countenanced, but a submission from the Police Department is of such importance that we would be failing in our duty if we did not give our honest opinions upon it.

One concern we hold is that the Police attitude to gangs as disclosed in the submission, is completely negative, which can only result and is resulting in a comparable attitude by gangs towards the Police. Of more importance is that no attempt is made in the submission to differentiate between gangs. According to the submission there are 44 known gangs in New Zealand with a total membership of more than 2,200, including full "patch" members, "prospects" and "associates". If the Police submission is taken at face value then all gangs in New Zealand are engaging in the type of activity referred to in the extracts above, and this we cannot accept. As for numbers of gang members, it is interesting to note that the 1981 Committee on Gangs estimated the total number to be 2,300 which indicates there has been no increase in the last five years.

We do not for one moment challenge that gangs present a problem but a differentiation must be made between gangs and chapters of a gang.

A further passage in the Police submission reads:

"The following scenario portrays the activities of present day gang members. A young woman kills herself three weeks after being violently raped . . . three people are attacked with fists, a softball bat and an axe but are too scared to lay a complaint with Police . . . disadvantaged Maori and Polynesian youths are ordered to sell more drugs . . . others hold up businesses to prove themselves. . . a Policeman is taken hostage . . . a witness to a fatal stabbing is himself shot dead in a

crowded hotel room . . . groups of motorcycle owners link up with overseas counterparts to arrange the illicit importation of hard drugs . . . This is the growing and real threat to New Zealand society. (Appendix 'C2' contains a Schedule of Gang Related Incidents from February 1984 to March 1986)."

The Appendix C2 certainly contains some horrific examples of gang violence which have resulted in prosecution or where no Court action has followed because of intimidation of witnesses, but the Appendix also contains accounts of other incidents which leave us with a sense of unease.

"25/02/86—Wellington—Nineteen year old female commits suicide following **apparent** rape by gang members. Had been depressed for three weeks following the assault."

(In the passage cited earlier the clear inference was that the girl had, in fact, been raped by gang members.)

"01/07/85—Auckland—Member of Hells Angels, Melbourne, **known to be involved** in distribution of amphetamines, visits New Zealand."

"10/09/85—Customs Intel report that a family named of Warkworth are the source of homebake. The Mongrel Mob are **reputed** to be used by the to collect unpaid dues and are **believed** to carry firearms while doing so."

"01/10/85—Reported that members of Mothers Motorcycle Gang, Palmerston North, were to travel to Christchurch at Labour Weekend. They would be staying with Devils Henchmen on 26/10/85 and with a local Timaru gang on 27/10/85."

"02/10/85—**Unconfirmed rumours** that Auckland Headhunters and Wellington Nomads will be joining forces against Wellington Black Power following homicide of TAIWHITI in Wellington on 14/09/85 (Nothing eventuated)."

"11/11/85—Tauranga—Greasy Dogs are **suspect** for a number of unlawful takings."

"22/10/85—Auckland report 20 members of Anglo-American motorcycle gang intend visiting Hastings/Havelock over Labour Weekend."

"23/10/85—Christchurch—Several plugs of gelignite, five detonators and a length of safety fuse taken from a caravan in Oaro. Black Power **believed** responsible for this theft."

"13/11/85—Rotorua—Concern expressed by Team Policing that Mongrel Mob and Black Power **appear** to have amalgamated. Very friendly attitude to each other drinking in each other's hotels and associating together."

"23/11/85—Flea Market, Pukekohe—persons selling firearms and machette type knives in scabbards from vehicle. Were being spoken to by Black Power and weapons **maybe** with them."

"09/12/85—Tauranga—Information received that cars are being stolen by the Mongrel Mob. Set up between owners and the Mob in order to rip off the Insurance Company."

"07/03/86—Christchurch—Information received there was to be a large scale confrontation at the Dire Straits concert. Black Power, Highway 61 and Mongrel Mob **alleged** to be involved. Handguns were to be used. Heavy Police presence—no incidents."

There is reference to other "incidents" of a like nature which only serve to detract from the value of the submission.

The only recommendation made by the Police was that consideration should be given to wider use of electronic surveillance to combat organised crime by gangs. Although "organised crime" hardly comes within our terms of reference, the recommendation having been made, we propose to deal with it.

At present the law restricts the employment of electronic surveillance devices to the investigation of suspected drug offences, and the question is whether surveillance should be extended to other forms of organised crime. In our opinion, it would be quite unacceptable in principle, to frame surveillance legislation directed at a particular group, in this case, gangs, but we do consider that a case has been made out for the extension of electronic surveillance to organised crime, whether involving gangs or anyone else. We go no further than that, except to comment that definition of the circumstances in which such surveillance would be justified, may present difficulties.

What we do *recommend* is that the Police review their whole attitude to the question of gangs. A different attitude may bring more reward than a "them" and "us" approach.

THE GANGS THEMSELVES

Their history has been marked by extreme violence, arrogance and contempt for society. Among themselves "gang territory" is established as a way of artificially creating disputes. When some change for the better in their attitude to society becomes apparent, they have a remarkable capacity for shooting themselves in the foot.

We believe, from what we have heard, that at least some gangs are making a real effort to improve their image, while others are making the effort but are being frustrated by an incorrigible element within their ranks. Loyalty between gang members is very strong but if gangs want a degree of public acceptance, and the financial opportunities they demand, it behoves them to weed out the troublemakers. An improvement in gang-public relations must be worked at from both sides and whether they like it or not gang members are still part of society.

The Chairman of the Committee was given the opportunity to interview an under-cover constable who had associated with an ethnic gang for some 16 months, during three of which he lived in the gang headquarters. Despite what must have been a harrowing experience, his attitude to gangs was not completely negative. He was impressed with their loyalty and felt there was a lot of good in many of them. They had respect for Maori elders and Police who were tough but fair. On the other side of the coin, their involvement in crime was endless, and rapists were highly regarded as having proved themselves to be "men." He was of the opinion that their courage came from the group. He had seen individual members in tears.

A number of submissions advocated that gangs be outlawed, but we agree with the 1979 Select Committee that such a move would increase rather than reduce the problem. The negative aspects of gang membership aside, it does provide status, companionship, a shared identity which fulfills an emotional need, and in some cases, a common interest. It is a matter of harnessing the positive aspects in a socially acceptable way, but abuse and rejection will not accomplish that.

GANG HOUSES

Fortified gang headquarters are a feature of most cities and major towns in New Zealand. They are quite unacceptable.

From photographs supplied with the Police Department's submission, it is apparent that common features of the "fortifications" are wooden or corrugated iron fences, up to 15 feet

high, topped with embedded glass or barbed wire, crash-proof gates, floodlighting and watch towers. They are intimidating structures from the public viewpoint, but by their nature invite attack from rival gangs to the distress of neighbours. According to the Police Department's submission, guard dogs are commonly employed, and in one case it is believed that the fence can be electrified.

It appears that local authorities are reluctant to apply such by-laws as they have to prohibit fortifications, and the provisions of The Town and Contry Planning Act. 1977 hardly meet the position.

Although any legislation would basically be directed at a group in the community, and we have already expressed our opposition to that in relation to electronic surveillance, we believe specific legislation is necessary to deal with fortified houses. Apart from the real problems they cause for neighbours, they must surely heighten the feelings of isolation of the occupants.

We therefore **recommend** the enactment of a law to this effect:

Where there is use of any land or building which gives rise to an objectionable element, any person or any member of the Police may apply on notice to a Judge of the District Court for an order that such objectionable element be removed or reduced.

"Objectionable element" means one which detracts in a significant way from the amenities of the locality; or affects, or is likely to affect the safety, or economic or general welfare of people in the neighbourhood, or is by its nature intimidatory."

THE MEDIA

The 1981 Committee on Gangs had this to say on media coverage of gangs:

"A number of submissions made to the committee indicated concern that the attention given to the gangs by the Police, politicians and the various news media had negative results. It was feared that by giving gangs so much attention, especially concerning their violent activities, these groups were serving to reinforce and "glamorise" the gangs' tough image."

and made this recommendation:

"Continued efforts should be made by the news media to strike a balance between the public's right to know about gang activities and avoiding coverage that unnecessarily 'glamorises' these activities."

We doubt whether there has been much improvement in the position since that recommendation was made. We believe there is an element of distortion in some media accounts of gang conduct, and others lack objectivity. Apart from that, gangs must revel in the media coverage they receive.

We **recommend** that the media review its policy regarding gang activity coverage.

ARMY TRAINING

We think it worthwhile to mention in this section of the Report a scheme initiated by the Whakatohea Maori Trust Board which has the potential, if not to withdraw people from gangs, at least to provide an alternative to joining one.

The Board has worked with the Ministry of Defence with a view to obtaining a trial period when individuals with criminal convictions would be eligible to join the Territorial Army. Criminal convictions normally preclude a person from selection.

We believe this scheme has merit and **recommend** that the Ministry of Defence and such other Departments or groups as maybe involved, should meet to discuss the proposal that persons having criminal convictions be eligible for enlistment in the Army.

THE ANSWER

It is probable that the real answer to the problem of gangs will only be found in the long term, when, through improved home and family conditions, education, employment and concerted community involvement by both Maori and Pakeha, gang membership will lose its appeal. In the meantime, as the 1979 Select Committee said, we must "bring to bear on those who offend, the full force of the law."

HOME AND FAMILY

In this section the word 'family' may mean that grouping which encompasses parents, their children and those generations both prior and subsequent to them, or the basic or nuclear family unit ('hapu') of parents and children, or the extended family ('whanau') which includes relatives.

The part home and family played in the violent scene was stressed repeatedly in the submissions, and indeed was one of the main areas of concern. The submissions presented two aspects of the problem, violence occurring within the family itself, and the role of the family in producing violent offenders. Although reliable data on family violence is hard to come by (for reasons detailed later in this section) the available evidence indicated that the home, contrary to the popular belief that it is a place where support, protection and love are ensured, is, in fact, the place where most violence occurs in society, in the way of assault, rape and incest. It could be as high as 80% of the total of violent offending. As for its ability to produce later violent offenders, the most common statement cited in the literature, and referred to repeatedly in submissions, is embodied in a statement made by the Women for Life in Napier "that a violent home environment breeds a violent person".

While a range of other factors are obviously important in producing violence, it is the family as the "crucible" of society that is largely responsible for developing the tendency of an individual to either select violence, or a more peaceful means, of resolving conflict such as negotiation and co-operation. This is because the family influences the establishment of attitudes to aggression in general and violence in particular.

The processes by which this occurs are complex and beyond the scope of this report to detail. Nevertheless it is important to state that the causes of family violence arise from a number of different sources. They may be internal to the family itself, external to it, or may occur at the interface between them.

The manner in which these influences make their impact will be outlined and later referred to in more detail. The incidence of different types of family violence and the characteristics of families in which that violence occurs will be specified, and finally we will make recommendations aimed at altering the patterns which produce violence.

INTERNAL CAUSES

The beliefs and customs which the family holds or follows in relation to achievement and disappointment, and the means by which frustration is managed, are especially important. Since these are learned and propagated in the close interpersonal exchanges of family life, attitudes towards sexism, rivalry, jealousy, revenge and forgiveness, may assume considerable significance in shaping the course of later life, as will the mode of expressing affection and the ability to adjust to illness and disability. Parental attitudes which actively promote or permit competition in a way which exaggerates concepts of manliness and entitlement; or which fail to set limits, or alternatively enforce discipline in a harsh and arbitrary way; or which communicate false values about personal responsibility and care for others; or which do not give all members of the family a sense of being loved for their own sake, are likely to produce violent children. As one submission put it "the two major decisions we all base our lives on are, 'I am lovable', 'I am capable'."

Not all would agree with what has just been said, which is the majority opinion. Some felt that parents were too soft and that what was needed was more old-fashioned discipline and, in particular, corporal punishment.

It is generally accepted, however, that the aforementioned factors affect the development of self-esteem and identity. It is the interplay of self and another, learned in the family context,

which is critical in determining the tendency of an individual to either compulsively seek to dominate in his intimate relationships, or have the ability to work cooperatively and empathise with others in a positive manner, especially under conditions of stress. Too often, victimhood is simply transferred to someone else, usually a loved one. Instead of the individual being able to distinguish the real causes of his own troubles and take moral responsibility for the way in which he handles his feelings about them, he chooses to take his frustration out on another innocent and generally weaker person thus perpetuating the sequence of victimhood.

EXTERNAL CAUSES

The family is not simply subject to internal forces and choices. It is embedded in a wider society, in which material and cultural influences operate with varying degrees of force. These include such factors as economic inequality, unemployment, sexist stereotyping and pornography, gratuitous media violence and commercial and social pressures to consume increasing quantities of alcohol and other disinhibiting drugs.

The causes of a given act of violence are very specific. However, all of the above factors have been implicated singly or in various combinations, directly or indirectly, in violent offending.

TYPES OF FAMILY VIOLENCE

Violence in families takes many forms depending on the identity of the offender and the victim, and the nature of the violence. In general terms, the violence can be that of neglect or outright abuse of an emotional, psychological or physical nature.

The adult male is usually the offender who may abuse his female partner or children, in a physical and/or sexual way. Submissions from Women's Refuges and Men's Anger Management Groups, reported horrendous examples of assault, rape, incest, emotional cruelty and neglect, the squandering of financial resources and chauvinistic tyranny.

INCIDENCE OF FAMILY VIOLENCE

While emotional neglect and verbal abuse are violent acts, and more often than not accompany the other forms of violence, family violence within the context of this section refers to physical assaults, rape (now sexual violation), and incest.

The information set out below came from several different sources and taken together gives some indication of the extent of the problem in New Zealand. It is a problem of frightening proportions.

There is a major disparity between convictions and reported family violence offences in the data listed below. Accurate data is urgently required for public information and well planned interventions but submissions from the Leslie Centre of Presbyterian Support Child and Family Service indicated that the sacrosanct privacy of the family in our society is a bar to obtaining it. This privacy has the effect of legitimating violent behaviour because the offender has little indication that society disapproves of his actions.

The fact that it was only in 1985 that it became an offence for men to rape their wives, and that even now domestic assaults are not recorded routinely in Justice Department statistics lend support to the suggestion made in several submissions that the influence of myths such as "an Englishman's home is his castle" in which he is free to do as he pleases, and notions of women being the chattels of their husbands, are still operative.

Consequences of such attitudes vary from the Police being unwilling to identify domestic assaults, as assaults, to the authorities failing to appreciate the real extent of the problem and act to overcome it. In the first instance, Police may refer to the assaults as domestic disputes and not arrest for an offence. In the second, the cost of properly addressing the management of family violence requires a considerable expansion in resources which the authorities may be unwilling to face.

DOMESTIC STATISTICS

N.Z. Police Annual Reports

Domestic disputes attended by the Police from 1979—1984

Total	..	..	100,403
Average/year	..	..	16,739

Department of Justice (1979—1984)

Number of charges and convictions for breach of a non-molestation order (includes a small number of breaches of separation orders)

	Number of Charges		Number of Convictions	
	Male	Female	Male	Female
Total	1684	29	1056	24
Average/year	280	5	176	4

Women's Refuge Data—(Synergy Applied Research Ltd 1983)

25 Refuges each received an average of 460 calls per year, or a total of 11,500; and admitted 1,600 women and 2,775 children.

One third of all homicides are the result of domestic disputes (McClintock, 1983; McCarthy et al. 1974). In 80% of all assaults, the offender is known to the victim.

DOMESTIC RAPE

This only became an offence in 1985 and figures are not available to date.

CHILD ASSAULT

Figures are even harder to come by in this area. What are available are confused by the fact that they are grouped with "neglect". No statistic on child murder was presented in the Justice Department or Police Department reports. The Department of Social Welfare's Annual Reports do, however, contain references to ill treatment and neglect indicating the following:

Cases investigated by Social Worker where no further action required (1979—1984)

Total	..	..	..	..	38,865
Average/year	..	..	..	..	6,477

Complaints Heard in Children and Young Persons Court (1979—1984)

Total	..	..	..	..	1,979
Average/year	..	..	..	..	324

Dr Geddes of The National Advisory Council for Child Abuse reports an estimate of 25 per 100,000 or 750 cases per year.

CHILD RAPE (INCEST/SEXUAL ABUSE)

Convictions for Offences Related to Incest 1981—1985

Father Against Daughter

Total	..	..	122
Average/year	..	..	24

Brother Against Sister

Total	..	..	9
Average per year	..	..	2

Other Relative (including females)

Total	..	..	8	7 males	1 female
Average per year	..	..	1.6		

This data grossly underestimates the extent of child rape. An estimate only can be made of the extent of this problem but according to Haines (1985) one in four girls, and one in ten boys are likely to be sexually violated by a family member.

CHARACTERISTICS OF VIOLENT FAMILIES

No one generalisation can apply to every family in a complex society or even for that matter, groups of families, given the vast differences in their financial circumstances and their educational and cultural backgrounds, and the particular form of violence practised by a given family.

Violence is found in families of widely different socio-economic status and ethnic background. It can be said however, that many, if not most, are families under pressure of some kind, whether it be financial, emotional, marital or social. They are frequently isolated families with the parents suffering from helplessness or shame. There is often serious discord in the marital relationship and alcohol abuse figures in a majority of cases. Notwithstanding all of these features the most outstanding characteristic is that one or both parents or partners were either abused or exposed to violence in their own families.

Typologies of families are still being developed and the subject requires a good deal more research. However, experience in New Zealand distinguishes at least two types of family which are likely to have problems with violence. The majority, represented by the above generalisation are those which actively promote violence by example, but also important are those often overlooked families that fail to curtail it either by neglect or by over-indulgence. They share, in common, a lack of knowledge and/or willingness to institute clear and fair limits on the behaviour of their members. They differ in that the former families are more frequently abused by the parents, and the dominant male in particular, both sexually and physically, whereas in the latter case the children rather than the parents are more likely to be the physical abusers.

In the more common type, interactions are such that the families have overly high expectations of one another, while anticipating disappointment; they have low frustration tolerance and utilise violent solutions to resolve conflict. The needs of the parents are paramount with those of the father receiving highest priority. Fathers do not participate in domestic duties or child rearing. They abuse alcohol and are frequently absent from the home, and when they are at home, they impose their will on their families in what is, more often than not, an arbitrary and cruel manner. Humour and relaxed leisure time is virtually absent. Praise is non-existent and physical contact is confined to punishment rather than affection except where incest supervenes.

Women in such families are, not surprisingly, degraded to the level of slaves. Mothers in such families are down-trodden. They, too, may abuse alcohol and, more often than not are depressed. It was suggested in a number of submissions, that violence in some men may be exacerbated by the changing role of women who either are unwilling to accept their traditional role in the home or develop careers of their own with an independent source of income.

Women may also abuse their children physically and occasionally sexually but this is the exception. They tend to do so when they are unprepared for the demands of motherhood and become frequently depressed and feel themselves unsupported in their domestic situation. Although one overseas study indicated that "husband battering" may be grossly underestimated, experience in New Zealand indicates that only rarely are women the prime instigators of abuse. In such cases, there is often a history, as is the case with violent men, of parental abuse in their own families.

In permissive families, parents either do not care about the behaviour of their children or overindulge and give in to them rather than risk their disapproval. The needs of the children in such families are frequently paramount. The children become family tyrants at an age when they are unable to appreciate the significance of responsibility, or able to manage the power which has been relinquished to them. According to a distinguished Auckland family therapist, they develop an exaggerated sense of entitlement, are unable to take "no" for an answer, have little respect for the authority of adults and, while disliked by their peers, may manipulate a following by becoming bullies.

While the foregoing outlines some of the influences operating within the family, it is important to recognise that families are themselves part of society. They contribute to it and in turn, are influenced by the wider forces within it.

Many people have commented on the changes which western society has promoted in family structure and life. There is a trend for families to become smaller to answer the need for families to become more mobile in an increasingly industrialised and urbanised society. This has affected European and Maori families alike but because their whole intricate culture was disrupted by colonisation, Maori families have been especially affected by the loss of contact with their extended family systems.

Many New Zealand families have maintained links with their extended families but the capacity of the extended family to monitor, support and regulate the behaviour of their relations has been compromised, especially for those families under stress.

Some submissions suggested that the nuclear family was poorly equipped to deal alone with the adverse circumstances which are likely to affect the stability of the family, such as illness and the fluctuations in the national economy, especially where this results in unemployment of the family's breadwinner.

It was questioned whether it was possible in the highly complex and technological society in which we live, for two parents, let alone a solo parent, as is increasingly the case, to provide for the material, emotional and social needs of their children and their own relationships.

The role of the extended family, is obviously important. However many submissions, such as those coming from the Napier City Pilot Trust, pointed to the significance that friends, neighbours, community agencies and Government institutions may have in supporting families. The relationship between school and family was particularly mentioned in this regard. Some felt that school should play a greater role in providing courses in parent education or, at the very least, making their premises more available for the community to use for this purpose and this is touched on elsewhere in this report.

It is clear that, in many cases, the groups and agencies just mentioned act to buffer "at risk families" against adversity. However many felt that more could be done to foster more

specific and coordinated support for these families. Even though registers of social services throughout the country indicate a considerable amount of activity in the community, many lamented the lack of caring that people showed for one another in their neighbourhoods and this applies to young and old alike.

Special pressures prevail on families where parents are unemployed. While benefits such as Family Support and the Dole may provide some financial compensation, studies and submissions indicate that violence is more frequent in the families of the unemployed, and that there are psychological consequences of unemployment which affect marital relationships and the quality of parenting. Loss of pride, apathy and depression are frequent concomitants of unemployment. In those that are vulnerable, such as those men who have rigid sexist role expectations, or in those people who have had violent family backgrounds themselves, violence may erupt.

Media images as portrayed by television, newspapers and magazines, influence not only market behaviour but also the expectations that family members have of one another, and their self esteem. However the reinforcement of monocultural attitudes and the distinctions between the rich and poor, creates disparities which generate feelings of envy, shame and frustration.

Pornography is another media pressure which was mentioned in a number of submissions as affecting family life and the moral development of family members in a detrimental way.

Racism is another factor external to the family affecting a considerable number of families in our society. Reference was made earlier to the disruption of the Maori social system. At all levels the influence of discrimination has had a profound effect on the way in which rules, values and pride are communicated to the young 'mokopuna'. At the National Hui arranged for the Inquiry by the Department of Maori Affairs and prominent 'Kaumatua', representing various districts throughout the country, submissions were heard regarding the damage to family that had been done by monocultural dominance and the initiatives that were being undertaken to rectify this damage.

Racism affects family life by undermining the pride of the parents and children alike. It does this directly when a family member is exposed to prejudice, and indirectly through the effects of unemployment, and poor housing, Parents may neglect their children through shame or depression, or have unreasonable expectations of their children. They may also neglect their own health needs or attempt to extinguish their sense of humiliation with alcohol. It all adds up to a formula for the production of violence and a scenario that unfortunately is all too common.

While the responsibility for consumption of alcohol must rest with the individual, the effect of mores regarding alcohol at both a peer and more public level is something that can be viewed as an external pressure. There is no question that alcohol is associated with family violence, figuring as it does in cases of assault, rape and incest. It both disinhibits behaviour and respect for the rights of others, and releases in some susceptible individuals, specific aggressive responses.

In a more subtle way, alcohol also influences family life by virtue of the fact that the families of alcohol abusers are forced to organise their lives around its consumption and its ill effects. Such a climate is hardly likely to be optimal for creating a sense of security in family members, and the fostering of social skills and self esteem. Families of alcoholics produce more than their share of violent offenders as well as increasing the likelihood of their developing a range of other psychiatric disorders ranging from depression to agoraphobia, and alcohol abuse itself. It is notable that the increase in violent offending by young people parallels the increase in the numbers of young alcoholics being reported, and the numbers of young people killing themselves and others on the roads.

LEGISLATION

The final influence external to the family that the Committee considers important to address, is the impact that legislation has on family violence. It is important to stress that much has been done in recent years to rectify some glaring inadequacies in legislation relating to family violence.

Important legislation of recent times has been the Domestic Protection Act 1982, the reforms in the law of rape and the Criminal Justice Act 1985. Also welcome are the Victims Rights Bill and the Childrens and Young Persons Bill.

The Committee applauds the efforts of those that have been responsible for the legislation and proposed legislation. However it feels that more should yet be done to afford protection for the victims of domestic violence and treatment of the offenders.

Overseas studies have shown for example, that neither treatment alone nor punishment alone, is very effective in reducing family violence. A combination is. The offender needs to know that his apprehension will be sure and swift. Victims have to be similarly assured. Under the current legislation, the practices of the Police, the ignorance of the public, and the unwillingness of helpers to invade the sanctity of the family, these results are by no means certain. Our recommendations, therefore, attempt to address the issue by urging that existing legislation is utilised to its fullest extent and that new legislation, public education and practices are introduced to make families safer.

SUMMARY

1. Family violence, although frequently concealed or disregarded, is epidemic. Violence by strangers, is a rare occurrence.
2. Lack of public information on the extent, causes and prevention of family violence contributes to the conspiracy of silence that surrounds it.
3. Family violence results in victims, and is a main factor in producing later offenders.
4. Offenders are almost invariably the dominant adult male family member and rigid adherence to exaggerated sex role behaviour legitimates his behaviour.
5. The degree of privacy accorded family life prevents family members being accountable to the law.
6. The isolated basic family unit (nuclear family) is particularly vulnerable to family violence.
7. Stress caused by unemployment, media images of affluence, sex role stereotyping, and alcohol abuse encourages the release of violence.
8. Inadequate parenting prevents the development in the young of self-esteem, responsibility, positive identity, respect for authority, tolerance, and conflict resolution skills.
9. Marital discord leads to insecurity, loyalty confusion, mistrust in relationships and inadequate parenting.
10. Police reluctance to intervene decisively in domestic violence, arrest offenders where the evidence is available, and take the initiative in referring them to treatment facilities, maintains victimhood.
11. Lack of resources and decision making powers for community groups and statutory bodies to detect and intervene in family violence perpetuates the cycle of violence.

REMEDIES

The following *recommendations* aim at diminishing the incidence of family violence and ensuring the protection of those at risk. As is the case elsewhere in this report, emphasis is given to both long-term preventive measures and short-term intervention measures. ***They interlock with other recommendations made elsewhere in the report, such as those relating to the T.V. and video violence, alcohol abuse, victims and education in particular.***

While the Committee recognises that a substantial degree of privacy must be preserved in family life, it wishes to state quite explicitly that society and its institutions should review the extent to which this has been abused by the dominant adult male member of many families.

The Committee urges health professionals and care-givers, the Police, the Departments of Social Welfare and Justice, to recognise the need to intervene firmly and decisively into cases of family violence. It believes that the full weight of the law should be utilised in such cases, with powers of arrest and recommendations for mandatory counselling as a requirement of Supervision, being used more widely than has been the case in the past.

Having made the position clear in regard to short term measures, the Committee recognises that the causes of family violence can only be "removed" by offenders taking responsibility for their actions; by the provision of resources for the support and treatment of families suffering violence; by an extensive programme of public education and by diminishing the pressures on families caused by unemployment.

The Committee is also of the view that while an integration of efforts is required to affect a reduction of family violence, the initiatives undertaken by the "tangata whenua" deserve special acknowledgement.

Finally, while the Committee appreciates that family life is an intricate human experience to which all family members contribute, it commends the principle of positive parenting to society at large. Parents have certain responsibilities which they should not shirk and children should be set clear limits within which to operate. The fundamental tasks of parenting cannot be undertaken without love that has at its heart a gentle regard for the human spirit, for despite the changing nature of the world, "where children are loved for their own sake by people who love and respect themselves and each other, children grow up possessing these qualities themselves." Just as it is true that violent families produce violent offspring, so too do gentle families produce gentle ones.

RECOMMENDATIONS

Prevention/Education

1. That adequate funding be allocated by the Department of Education for quality "Day Care" to provide for the needs of young children who have parents that between them are not able to provide continuous care for economic or health reasons.
2. That Kohango Reo receives more adequate funding and that the Department of Education's plans to integrate the work of the former in early school life, be expedited and supported by schools, service clubs and community organisations.
3. That the male image, as portrayed in the media, should include emphasis on co-operation, non-violent conflict resolution, and non-sexist attitudes and the importance of fathering.
4. That the media encourage tolerance and respect for families of ethnic backgrounds and cultures by programmes and images reflecting the multicultural nature of New Zealand society.

5. That unemployed workers groups and those agencies concerned for their welfare receive information about the means by which they can alleviate the adverse effects unemployment has on family life, and additional resources so that they may help such families or families at risk.
6. That Hospital Boards and Social Welfare specialist units be given support and funding with a view to identifying and supporting vulnerable mothers at the pre-natal, post-natal and pre-school stages. The programme of the Acorn Club, pioneered by the Dunedin Hospital Board, is recommended as a model for peri-natal service.
7. That the Committee for Children be empowered and funded to act as the national body acting as the advocate for the interests of the "child".

Intervention/Treatment

1. That the Police adopt the methods applied and evaluated by Sergeant G. W. Ford, M.Soc.Sci. in Hamilton and his recommendations that in cases of domestic violence,
 - (a) Police called to a domestic dispute arrest the offender, whether or not a complaint has been made by the victim, where there is clear evidence of an offence.
 - (b) Referral to treatment agencies be automatically initiated in all such cases.
2. That Courts ensure that applications for non-violence and non-molestation orders be treated in all cases as being of the utmost urgency.
3. That those responsible for intervening in family violence in the first instance, ensure so far as is possible, that the offender is removed from the home rather than the victim; and that this measure apply to both child and adult victims.
4. That the provisions of the new Children's and Young Person's Bill be given wide publicity in the media, and in particular those provisions relating to the mandatory reporting of violence towards children and the establishment of Child Protection Teams.
5. That Women's Refuges and Rape Crisis Centres continue to receive support and adequate finance to carry out their work.
6. That those groups responsible for "Anger Management" programmes receive recognition and funding.
7. That additional facilities and funding be made available for the Specialist Child and Family Units presently operated by Hospital Boards and the Department of Social Welfare; and that a National Conference be held to assess and make recommendations on the availability of such specialist services.
8. That in the event of the injury to, or the illness of the parent responsible for the home care of a child, the Department of Social Welfare, provides adequate benefits to enable the employed parent to assume the care of the child.
9. That those caseworkers likely to be dealing with, and intervening in, family violence, receive special training in the recognition, assessment and management of family violence in courses, that give due attention to ethnic and cultural differences, and family and community relationships.
10. That health, professional and community workers be alert to the danger that the aged in care may be the subject of abuse.
11. That before any treatment programme is funded, whether "anger management" or run by Child and Family Centres, a programme for the evaluation of its effectiveness must be submitted to the relevant funding body.

12. That in the case of violent offending against members of the offenders family, the counselling provisions of The Criminal Justice Act 1985 be used more regularly than is presently the case.
13. That a National Advisory Council on Family Violence be established, (incorporating the National Advisory Council on Child Abuse) comprised of representatives of professional and voluntary groups with the aims of establishing the incidence of violence and sexual violation on family members, coordinating the resources available for the treatment and prevention of family violence, and publicising their findings and recommended remedies.

NAPIER PILOT CITY TRUST

In about 1977 a group of Napier residents took up a suggestion made to the Select Committee on Violent Offending that a city should be selected to research new ways of preventing violence in the community. It was to be a pilot social experimental centre where problem areas, human relations and remedies could be studied in depth, with the whole community involved in the process. The idea of Napier as a Pilot City received support from residents and community groups, the Napier City Council, Service Clubs and Government Departments.

The Parliamentary Select Committee on Violent Offending visited Napier to see at first hand the work that was being done, and in its report said:

“While it would be naive to regard the Napier Scheme as the answer to all social problems, it is an innovative pioneering approach to social and individual malaise, and the Committee notes with approval the measures that are being taken.

It would be an exciting exercise if civic leaders throughout the country were to involve themselves personally in the problems that abound in their communities.”

In 1981 the Napier Pilot City Trust was established comprising 12 to 14 trustees elected for a three year term. Anyone resident in Napier is eligible to be a Trustee and is required to support the principles on which the Trust has been founded. These include:

1. To develop Napier as a community involved in an ongoing process of improving the quality of life for all its citizens, by encouraging and supporting innovative approaches to preventing or minimising social problems.
2. To assist established social service organisations to become more effective in preventive areas.
3. To facilitate the process of communication, co-operation and evaluation and thus maximise the effectiveness of preventative programmes and activities.
4. To encourage community development, commitment and involvement by helping to develop and use skills of self-help and mutual self-help.
5. To assist in the establishment and operation of a social data bank for Napier citizens.
6. To seek the appointment of Pilot City Worker/s and act as a support and counselling body for such persons.
7. To receive and hold in Trust any monies which are donated or granted to the Trust and to assist groups and individuals which meet the Trust's objectives.
8. To liaise with Government Departments and statutory bodies with the object of achieving joint funding or participation in preventative social work.

In 1983 the Department of Internal Affairs funded a study of the Pilot City concept in Napier, and finally in January 1986 Napier was designated, by

The Hon. Mrs Ann Hercus, as a Pilot City for the study and implementation of positive alternatives to violence. Of course, much work had been done before that designation in the setting up of Neighbourhood Support Groups, a social data bank, child development schemes, and innovative activities for youth “at risk”. The Department of Social Welfare provided \$10,000 in 1985 towards the neighbourhood support system but regrettably this funding was reduced to \$1,250 for 1986.

At the invitation of Mr Pat Magill, J.P., a leading advocate of the scheme from its inception, the Committee visited Napier and met with representatives of the various elements which go to make up the Pilot City Scheme, including community workers, businessmen, teachers,

police, the City Council, Members of "Men Against Violence", and the Group Employment Liaison Scheme, and the Pilot City Doctor.

The Committee was greatly impressed by the dedication and enthusiasm of this representative bicultural group which is labouring under difficulties, in work which we regard as of the utmost importance.

The criminal justice system (including the Police) can, in most instances, only react to crime, not prevent it. The major responsibility for the prevention of crime must rest with the community and the family, and in that regard, the Napier Pilot City Scheme is showing the way and deserves the fullest support.

In accordance with the submissions made to us on behalf of the Trust, we make the following strong *recommendations*:

1. That there be full co-operation between the Heads of relevant Government Departments in Napier (or their nominees) and the Trust by attendance at meetings called by the Trust, active encouragement of its aims and the provision of resources, whether financial or by secondment of staff, to enable the Trust to meet its goals, carry out research, and evaluate the effectiveness of its programmes.
2. That other local authorities in New Zealand acquaint themselves with the work that is going on in Napier with a view to conferring and applying proven remedies.

THE POLICE

It was expected that the Police, whom the public see as being in the forefront of the fight against crime, would be the subject of many submissions, and so it proved. They deal, either critically or in praise, with the role the Police have played in meeting the problem of violent behaviour, and contain suggestions how their service could be improved or enlarged. The Police Department itself presented a comprehensive submission which has been criticized as containing some unsubstantiated generalisations and a racist approach. The criticism is not wholly unjustified. What we found particularly disappointing was that while the submission deals comprehensively with problem areas, it is rather lacking in recommendations for improvement. These are the main issues raised in the submissions:

1. POLICE ESTABLISHMENT

According to a submission presented by the Police Officers Guild, there has been an 81% increase in serious crime since 1980, but in the same period, Police numbers have only increased by 4.5%, bringing the present establishment to 5200. It is also of some relevance that on an inflation-adjusted basis, the annual cost of Police services has only increased by \$18 million in 14 years while reported offences of all types have increased from 180,000 in 1971 to 430,000 in 1985. The Guild further claims that in 1985 the clearance rate for serious crime was only 28%, the lowest rate ever recorded.

The Police Department's submission makes no real issue of staffing levels for the very good reason that the Commissioner, who appeared before the Committee in Wellington, was of the view that it was a matter more properly addressed to his Minister, and inappropriate for inclusion in the Department's submission. However, the Department's submission does record that "given the high crime rate and many calls for Police service, maintaining the desired level of Police visibility is often hard to achieve. Police staffing is frequently stretched to the limit and beyond".

According to the Guild the present staffing position has had, and is having the following effects:

- (a) The increase in serious crime is making such demands on Police resources, that priorities must be set with concentration on serious crime, with less serious offending receiving little or no attention, leaving victims of such offending with feelings of vulnerability, frustration and loss of confidence.
- (b) Community based initiatives such as the Community Constable Scheme and Neighbourhood Watch cannot flourish if the Police do not have the resources to maintain them and respond to their demands.
- (c) Staff are subjected to pressure and stress resulting in loss of resolve, commitment and efficiency.

Two main reasons are given in the submissions for the need for an increase in staff, and the first is that the present high rate of offending will be dealt with more effectively with an increase in the clearance rate, which, hopefully, would act as a deterrent. We accept that there is reason to believe that more certainty of detection has some deterrent effect. The second reason, and probably of greater importance, is that the Police could extend their services to meet the fundamental issues of causation and prevention, not only through an increased community presence, but also by extension of youth aid work and education programmes. Furthermore, as mentioned elsewhere in this report, there is also the need for greater involvement by the Police in providing help for victims.

We therefore **recommend** an increase in the Police staff establishment.

The Guild submitted that an increase in staff of 1000 was required, but it is not within the competence of this Committee to assess the reasonableness of that assessment or to recommend any particular figure. What we do stress is that in considering any increase, due regard should be given to the need to expand preventive services and what we have to say later concerning Community Police, Neighbourhood Support and ethnic sensitivity is relevant to that issue.

2. COMMUNITY POLICE

In 1976 full time Community Relations Co-ordinators were appointed at Auckland, Wellington and Christchurch and part time co-ordinators in all other Police districts. They were either Inspectors or Senior Sergeants. There are now 13 full time co-ordinators.

Their concerns are race and public relations, crime prevention, Youth Aid and any other activity which might lead to better relations between the Police and the public.

In addition, there are presently 66 Community Constables, who provide the need for informal communication between the Police and the community, a service which was largely lost with the closing of suburban police stations. They provide a visible presence, can enlist community support and deal on a personal basis with individual problems.

There is a strong support in the submissions for a move back to community policing and the "local Bobby" as these extracts from them show:

"The merits of the concept of the old "cop on the beat" are important to note. It is important for citizens to have a sense of community spirit and to relate to a particular group, person or entity within our society. A strong identity and positive self-concept are features lacking in many violent offenders. The Japanese have sought successfully to retain such personal features through the fabric of their society. The main strengths of this society are the 'socially cohesive and homogenous' groupings and the close relationship between the Police and these groups. The 'police box' on every second street corner serves as an agency of law enforcement, of advice or reference. The policeman 'knows' the local inhabitants, he participates in their activities and, more importantly, he is able to relate to them individually. Statistics indicate that most victims are known to the offenders, and once again this stresses the need for local personalized contact with the Police. Many potentially volatile situations could be diffused by knowledge of the parties concerned and understanding of the situation. The policeman alone is incapable of providing all the services required and it is important to have interaction with the relevant Governmental Departments and social agencies."

"The Police are being increasingly seen as being apart from general society, usually travelling in pairs in grey cars, and reporting to remote and impersonal Police headquarters. I believe that Police would play a much more effective role if they were to be integrated into the community. This would mean a change in organisation back to community constabularies and constables, where policemen and policewomen are known to the community and assist in community activities such as Neighbourhood Watch Groups."

"We support Community Police who could spend more time in schools as educators rather than as investigators, and who could work with neighbourhood groups, youth groups, clubs, etc."

"A major aspect of helping combat violence and crime is the necessity, I feel, of bringing back the local Police Constable, so that each suburb has its own "bobby" living and moving amongst the residents of a particular suburb, not driving around in a Police car, but walking or cycling around so that people in his area can relate to

him. As it is now, all the Police you see is a patrol car speeding past or a policeman walking in the inner city areas which makes him a very distant person to most of us."

"The administration of the Police service has been increasingly directed away from the community they serve. We have no doubt that a return to the community in real terms of the mature, resident policeman who takes a personal pride in his 'patch' of manageable size, has a continuing place in our society. The modern system continues, after 20 years' trial, to lose ground against the rising tide of crime. It has divorced the law enforcers from the community they serve."

The Committee is in agreement with the sentiments expressed in those extracts and it is partly on that account that we have recommended an increase in the Police establishment.

3. NEIGHBOURHOOD AND RURAL SUPPORT GROUPS

According to the Police Department's submission, there were some 5300 of these groups as at January 1986. They provide residents with information on home and personal security, but of more importance create community awareness, and a sense of neighbourhood spirit which is some deterrent to offending by individuals within the neighbourhood.

The consensus of opinion is that these groups are doing an excellent job, and there is the potential for greater development, as the Police Department's submission acknowledges. However, the establishment and maintenance of these community based initiatives, will impose a further demand on Police resources, and according to the Police Officers Guild, this demand cannot presently be met, which provides a further reason for increased staff.

4. POLICE FACILITIES

The Police Officers Guild's submission refers to a number of areas of concern apart from the need for increased staff. It goes without saying that if the Police are to deal effectively with the increase in crime they must have the tools to do the job, but, according to the Guild, there are serious deficiencies. It is essential that the Police have access to a fleet of well-maintained vehicles, but the complaint is made that the numbers are inadequate with too many of the present fleet beyond their efficient working life. There is apparently a need for extensive computer based services for the collection and dissemination of intelligence, crime analysis and investigation, and fingerprint identification; and provision of resources to the Department of Scientific and Industrial Research to reduce the present delay (three months on average) in providing the results of forensic examinations.

We can do no more with these submissions than to **recommend** an Inquiry into the additional resources that are reasonably required.

5. POLICE TACTICS

A significant number of submissions raised the issues of violent behaviour on the part of the Police themselves, or the adoption of attitudes which contributed to the tension and actually provoked violence. It was the "Team Policing" Sections which came in for the major criticism.

The reasons for the establishment of these sections and the precautions taken in their training are referred to in the Police Department's submission as follows:

"In the early 1970's there was a significant upsurge in violence, particularly associated with liquor outlets. A combination of many factors such as:

- (a) The spread of hotels throughout city and suburbs;

- (b) Introduction of 10 o'clock closing in 1967;
- (c) Reduction in the drinking age;
- (d) An affluent society;
- (e) Police resources over-committed.

Resulted in:

- (a) Excessive drinking in hotels;
- (b) Widespread drunkenness in hotels and on the streets;
- (c) Street violence in the form of assaults and fighting;
- (d) Street disorder in the form of obscene language, disorderly and offensive behaviour;
- (e) An element of viciousness in assaults and large-scale brawls involving bottles, boots and weapons;
- (f) An upsurge in the offence of robbery, with the victim, in the majority of cases, a person who had recently left hotel premises;
- (g) Organised gate-crashing of private homes and functions;
- (h) The bikie and mobile gang problem;
- (i) Gang fights.

The common denominator in these problems was alcohol. From Wednesday through to Sunday morning the peak of Police work occurred between the hours of 10.00 p.m. and 2.00 a.m. It was significant that a high proportion of these problems occurred in those lower socio-economic areas where there are a number of hotels commonly known as 'booze barns' with mass drinking arrangements. The situation had reached a position where it was not possible for two or even four constables to make an arrest in an hotel without interference, and on most occasions, obstruction and violence from other patrons.

The Police administration decided that it was time for these problems to be attacked head on, and authorised a group of Policemen to be specially trained to deal with situations involving violent physical confrontation with those elements of society which were causing this widespread disorder. They are known as 'Team Policing Sections'.

Since the inception of these units, their activities have been closely monitored. To ensure that the presence of this large uniformed group did not, in itself, become the catalyst for incidents, Police instructions were issued in 1985 to ensure that a supervising Commissioned Officer was appointed to monitor tactics, deployment and performance. The officer was also required to perform duty with the team not less than once every four weeks. Simultaneously an amendment was made to ensure no member performed duties on the team for a period of more than 18 months. This was to ensure they did not develop or display undesirable attitudes arising from the nature of their duties.

Team Policing Sections operate full time in the main centres, and 'as required' in the majority of the small districts. They receive a high level of training and are generally regarded as an efficient and effective unit in the control of violence."

These random extracts from the submissions indicate the nature of the public's concern:

"We are concerned about the current content of Police training. We strongly recommend that more emphasis be placed on peaceful models of conflict resolution and methods of defusing potentially violent situations, and less emphasis on physical, dominant methods of coping and 'winning' in such situations. Similarly,

more positive value should be attached to officers' ability to defuse violence, mediate, etc., rather than the constant reinforcement of physical prowess."

"When 'team policing' of hotels is used, the massed presence of Police is highly likely to aggravate violence. Less obtrusive and provocative methods should be used, such as officers working in pairs rather than squads, bringing in locally known or community constables who know tavern patrons, etc."

"Violent reaction to a violent situation breeds more violence. The Police must get to know its society better than it does. The Police must spend money and manpower to reach the society, without the trappings of 'blue lights', white cars, batons and riot shields."

"It seems likely that the aggressive stance and appearance of Police e.g. in riot gear, large numbers with long batons etc., contribute to the tension in some situations, and could almost be said to actually provoke violence. If the Police are expecting violence, then that expectation is likely to be conveyed to the people they are dealing with—e.g. by body language etc. Police should be trained in non-violent means of crowd control, and learn to present a less aggressive image."

"It is claimed that the T.P.U.s 'are generally regarded as an efficient and effective unit in the control of violence'. I will simply say that I believe the T.P.U. to be one of the most destructive forces of institutionalised racism and violence in place in this country today. Its philosophy and methods are an anathema to any attempts to build constructive relations between Police and policed communities, and can only provoke an already volatile situation into a far more serious one."

We believe there is substance in these complaints and **recommend** that the desirability of the continued use of Team Policing Sections be reviewed.

6. ETHNIC INSENSITIVITY

In the Police Department submission, dealing with ethnic violence, is this passage.

"The Police believe one of the most important keys to successfully reducing violent crimes is to reduce Maori offending. We have no magic solutions. No doubt appropriate programmes could see young Maoris again observing the controls/culture values of Maori society and the laws of the land."

We agree that a reduction in Maori offending is essential, and that acceptance and observance of the traditional cultural values will go a long way in improving the situation, but the remedy is not in the hands of the Maori alone. There must be understanding of the reasons why Maori offending is at such a high rate, and this we deal with under the section "Maori Perspective".

If the Maoris are to return to their traditional cultural values, there must be appreciation of what those values are by those agencies who deal with them. The complaint made to us was that in general the Police are sadly lacking in that appreciation with the result that Maori community co-operation is not forthcoming.

In recent times, the Departments of Labour, Justice, Social Welfare and Maori Affairs have set up Cultural Perspective Advisory Groups. We **recommend** that the Police Department set up such an advisory group having goals similar to those of the Justice Department which are:

Goal Statement

- (a) To develop its organisational environment and to conduct its activities in a manner that develops an appreciation of, and positive response to, different cultures;
- (b) To recognise the importance of the 'tangata whenua' in New Zealand society and require that 'nga tikanga' Maori be fostered in the Department.

Sub Goals

- (a) To promote a Departmental environment which is culturally supportive of all staff;
- (b) To develop amongst Departmental staff an understanding and appreciation of different cultural perspectives;
- (c) To ensure that Departmental operations are conducted in a manner which responds positively to different cultural perspectives;
- (d) To fill all jobs having an identified cultural dimension with persons who possess the appropriate knowledge and skills;
- (e) To develop in the Department an understanding of 'nga tikanga' Maori, including the language.

We further *recommend*:

That there be incorporated in the Police training programme instruction in protocol philosophies and values of Maori and other cultures, with qualified Maori elders being enlisted to aid in such programmes.

7. DISCRETION IN PROSECUTING

A number of submissions were received on what we regard as an important issue, namely, restraint in the use of the criminal law. This same issue was raised by the New Zealand Law Society in its submission to the 1979 Select Committee in these terms:

"The Police perform an important role in prosecuting breaches of the criminal law. The Society is concerned however, at the number of prosecutions and resultant harsh sentences. Discretion by the Police in prosecuting is not used as widely as it could or should be. It is submitted that proper use of this discretion, by senior trained Police Officers, could eliminate a certain amount of crime. If one considers the rate of re-offending and accepts the likelihood of an offender coming again to the attention of the Police after prosecution and conviction, then careful thought should be given to extended use of this discretion. The Society supports the work accomplished by the Youth Aid Section of the Police Department. It is noted that this Section uses its discretion widely and to considerable advantage. The importance of keeping young persons out of the Criminal Justice System cannot be overstated."

Similar submissions have been received by this Committee, it being claimed in some, that there is a considerable amount of "over-prosecution" by the Police, particularly for minor offences, resulting in young people being unnecessarily caught up in the judicial system from which they never escape.

There are presently 86 full time and 39 part time Youth Aid Police Officers throughout New Zealand. The Police Department would like to commit additional staff to Youth Aid work

but according to its submission is unable to do so because of other demands. The submission states: "It is a question of making the wisest use of scarce Police resources and coping with the enormous demands for Police Service."

The Committee cannot envisage any "wiser use" than the provision of a greatly expanded Youth Aid Section, and **recommends** that additional staff be committed to that work.

That, of itself, will not meet the problem of "over-prosecution". In its submission to this Committee, the New Zealand Law Society has advocated the establishment of "Diversion Schemes" as a means of keeping young offenders out of the Court System and channelling them back into society. The same concept was advanced by His Honour, District Court Judge David Wilson, who presented the Committee with details of a diversion programme currently in operation in

British Columbia. We think there is considerable merit in the suggestion and **recommend** further investigation of the "diversion" concept. Matters to be considered in that investigation could be:

1. **Community Absorption**—with individuals or particular interest groups dealing with trouble in their area outside the Police and the Courts. Tribal elders and Maori Wardens are already working in this area.
2. **Screening**—with the Police referring an incident back to family or community, or simply dropping a case rather than laying criminal charges.
3. **Pre-trial Diversion**—with the case being referred at the pre-trial level to be dealt with by mediation or counselling procedures.

PRISON AND COMMUNITY SERVICES

Therapeutic and rehabilitation services for violent offenders in prison and the potentially violent in the community have been the subject of increasing attention since the 1979 Select Committee's Inquiry into Violence.

Violent responses can not be eliminated simply by placing people on treatment programmes. Any act of violence is a complex human response that occurs in a context that is specific for each individual offender and victim. Furthermore, offenders being human, are most likely to respond to treatment where they seek it voluntarily.

As we have said elsewhere in this report, men are involved in the overwhelming majority of violent offences, so that it behoves men as a group to take the responsibility for eliminating the attitudes in men which encourage the perpetuation of violence.

References have been made throughout this report to sexism and machoism and the need for men to appreciate the harmful aspects of these attitudes.

COMMUNITY SERVICES

It is clear from the number of submissions we received from Men's Groups throughout the country that a significant number are responding to the challenge for men to do something about male violence. Many of these groups commenced as "self-help" groups and while many of them include professional therapists, they are not necessarily run by them. There was a definite opinion that their services were more acceptable and accessible to men that need them where the service was as informal as could be and community based, and open to any man who has anger and sexist problems.

As a measure of their success they are now beginning to receive referrals from the justice system, but, as a consequence, are in desperate need of administrative support and funding to deal with this increased workload. Their problems of development and the need for funding are similar to those experienced by the Women's Refuge movement and Rape Crisis Centres.

We support the development of these groups and urge that appropriate funding be provided for them, in addition to that provided for Women's Groups with whom their work is being increasingly integrated.

We also support the proposal for Men's Refuges as outlined in the Home and Family section for those men who have either been violent and wish to protect their families from further violence, or who are at imminent risk of becoming violent.

Typical anger management programmes include encouragement for men to take responsibility for their violence, rather than seeking to blame others. ("She made me do it"), or excusing themselves on other grounds ("I don't know what came over me"; "If I hadn't been drunk I wouldn't have done it"). The programmes focus on the signals of stress, helping each man to become aware of his own pattern of frustration and anger and engage in co-operative relationships and non-violent conflict resolution. They also teach men to relate and look to other men as providers of support rather than as people to whom they must prove their loyalty and strength, and perhaps their superiority.

The groups are, in most cases, of mixed race but some groups cater specifically for the needs of ethnic groups.

In the context of community services, Maori offenders may be better served by the methods already extant in the Maori community, and funding for them may be better directed towards Marae based programmes than the more informal procedures of the European. This

is a matter requiring more definition than was possible within our terms of reference but we **recommend** that it be addressed by the Departments of Justice, Health, Social Welfare and Maori Affairs.

Professional services for men and couples are available through the Mental Health Services of Hospital Boards. There are also a number of therapists working in private practice who are specialising in such issues.

Generally speaking there is no room for complacency. There is nowhere near the number of people available to meet the problem of dealing with the violent and potentially violent. If the current level of violence is to be reduced, funding will need to be increased substantially for both community and professional groups.

PRISON SERVICES

The services available to inmates convicted of violent offences include those that address the teaching of Maoritanga, the re-establishment of family links within Maoridom through Maatua Whangai, general education and psychological and psychiatric services.

CULTURAL SERVICES

A number of people now go to the prisons to provide instruction in Maori culture and we found that there was a considerable enthusiasm for such teaching. Members of different groups who were normally antagonistic to one another, participate together during the culture sessions and it was evident that the signs of a Maori renaissance occurring in society are also present in prisons. In some cases, marked changes in behaviour for the better, have taken place as offenders re-establish their cultural links and with it a pride in themselves.

Maatua Whangai has begun its work in prisons by seeking to re-establish the links that Maori offenders may have with their kin. Some inmates complained that there was still insufficient interest shown in them by their own people. Others, however, expressed the very firm view that given the way they had been treated by their people in the past, and the superior manner they displayed when they did visit, they did not desire any further contact with them. Many gang members felt that they had established new "family" ties through their gang membership and some valued their "brotherhood" with other races in the gang, as evidenced by their reference to themselves as "a regular League of Nations"!

Despite the negative comments, the work of people in Maatua Whangai is extremely promising and the Committee supports the expansion of Maatua Whangai's work in the prisons and in after care.

In view of the promising results from cultural teaching, the Committee has considered the suggestion of Dr Mason Durie, that a prison based on Maori concepts and administered by Maori personnel, may be of specific value to Maori offenders, and, possibly, some European offenders. This would be a facility similar in principle to those set up in psychiatric hospitals such as Tokanui (Waiora) and Carrington (WhareHui) to meet the specific needs of Maori patients. The work currently being done at Waikeria may serve as a model for such a prison. We make no recommendation but suggest that a study be conducted to investigate the desirability of the establishment of such a facility. While in the first instance, it would need to be established by and for Maoris the possibility of its taking members of other ethnic groups at a later date, such as has been the case at Waiora, could be considered.

EDUCATIONAL SERVICES

There has been a remarkable increase in the numbers of inmates who are involved in correspondence study at both the secondary school and university level.

There are currently 18 teachers working in prisons throughout New Zealand on a full time or part time basis. More are needed, not only to provide services for higher level study, but also at a more basic level. It is widely recognised that many offenders may have problems with literacy which could be addressed whilst they are in prison.

PSYCHOLOGICAL SERVICES

A review of psychological services within the justice system was completed in January 1986. Its aims were to determine the place of a psychological service in the criminal justice system, its goals and objectives, the services which it should provide, the form of organisation that would be most effective, the resources needed for its support, the means by which it should be evaluated and the use of non-departmental psychologists within the service.

The review was extremely important because it decided that the service should concentrate on the development of policies, programmes and procedures incorporating psychological principles and knowledge, offender rehabilitation and crisis intervention on behalf of people in custody or under supervision. No provision is made for a part to be played in the prevention of offending, or the follow-up of offenders after completing their sentence. This would be left to community agencies.

This rationalisation of the services resources will lead, it is hoped, to more effective clinical treatment of those people who are seen during sentence. However, the Committee feels that in order for violence to be reduced in a comprehensive manner that cross departmental co-operation is required in the areas of prevention and follow-up, as well as during the period of sentence. Such an undertaking should be arranged in co-operation with community agencies rather than trusting to fate that the right facilities for a given individual will be present upon discharge from the justice system.

There are 21 psychologists working with the justice system at present with provisions for engagement on contract of psychologists in private practice, on a sessional or individual basis to assist with cases.

Apart from the need for a comprehensive approach as referred to above, the range of programmes offered by Psychological Services throughout the country's prisons is impressive. They range from individual treatment for behavioural problems to the teaching of social skills, human relations, rape counselling, anger and stress management and alcohol and drug counselling.

Psychologists are playing an important role in the acute unit at Paremoremo and will undoubtedly do the same in the special prison mooted for mentally abnormal offenders at Paremoremo.

PSYCHIATRIC SERVICES

There are only five psychiatrists working in the justice system in New Zealand despite the fact that they have a special role in dealing with the mentally abnormal offender. Although counselling and psychotherapy are part of a psychologist's skills and are used by them in the course of treatment, the prescribing of psychotropic medication is the sole responsibility of the psychiatrist. Given the proportion of offenders that are estimated to suffer with mental disorders their role is of particular significance in a modern penal system.

They are part of the Specialist Services of the Justice Department and work in collaboration with psychologists and nurses. However, they are not organised as a group and certainly have nothing resembling a Service Development Plan as do Psychological Services. It is no surprise therefore that recruitment into forensic psychiatry is almost non-existent, with the result that the psychiatrists in the justice system are grossly overworked and under stress.

Some of the responsibility for this situation rests with the Hospital/Boards' and the Medical Schools' training programmes for psychiatrists. However, clarification as to whether the mentally abnormal offender is the primary responsibility of the Justice Department or the Health Department has been required before progress could be made. Recommendations for the training of forensic psychiatrists and the creation of further positions for them in the justice system are made below.

NURSING SERVICES

Nurses in the Prison Service may assist general practitioners and psychiatric consultants in their work. Their role is an important one and there is scope for more use to be made of their services in prisons as is the case in the outside community. Maori nurses who have training in psychiatry would be invaluable, but apart from that nurses can offer general nursing services to offenders in a more informal manner than is possible with consultants. We **recommend** that additional nurses be made available in prisons and that favourable consideration be given to engaging those who have experience in working with ethnic groups or have psychiatric training.

THE MENTALLY ABNORMAL OFFENDER

Dr John Gunn, a world renowned forensic psychiatrist, has estimated that 33% of the current prison population in Britain, have mental disorders. According to the 1981 report of the Justice Department's working party on psychiatrically disturbed prisoners and remandees, there were "three types of inmate who are particularly problematic" and who are not so severely disturbed as to warrant committal to a psychiatric facility such as Lake Alice Hospital. They were:

1. Those with a personality disorder, who are labelled psychopaths, sociopaths, explosive personalities, etc.
2. Those whose intelligence is on the borderline area = ranging from the lower end of the normal range to mild subnormality—and/or who are socially inadequate.
3. Those whose fragile mental condition fractures in the stress-inducing prison environment.

It is questionable whether the capacity to adjust to prison conditions, and Paremoro in particular, is not in itself, an unhealthy adaptation that contributes to later violent offending. Some groups such as M.A.P. (Movement for Alternatives to Prisons) would say this was the case, and certainly there appear to be at least two cultures in the prisons referred to by the inmates themselves as those who are "staunch", and those who are "broken arses". The former are devotees of the "macho" culture referred to throughout this report, and latter, those who cannot adjust to this culture and the confinement of prison.

Since the closure of Oakley Hospital the suicide rate in Paremoro has increased dramatically and no facility has fulfilled Oakley's function since its closure, although a small nine bed unit at Paremoro has provided some relief and a location where therapeutic programmes for those that seek them can be commenced.

We have referred to the stress that psychiatric and psychological services in prisons are subject to and this might account for over-prescribing in prisons of medication for insomnia,

agitation and depression referred to by The Howard League. We have since become aware that medication was often obtained from medical staff under duress.

Threats of self-mutilation and homicide appear to be on the increase in prisons which contain more violent offenders and poly-drug abusers than in the past. When these threats are directed at medical and nursing staff, attempts at control, let alone rehabilitation, are likely to be ineffectual.

In the 1981 Report referred to above, a number of recommendations were made with a view to clarifying the responsibilities of the Health and Justice systems in regard to the mentally abnormal offender, and the facilities needed to cater for their special needs. Much can be done to assist mentally abnormal offenders which does not exclude their taking responsibility for their actions and completing the prison sentences that have been imposed on them.

The Committee fully supports the Minister of Justice who proposes to establish a special prison, as recommended in the 1981 report, where specific therapeutic programmes can be offered to those who seek them, as well as providing a facility for those who de-compensate whilst in prison.

Given the number of mentally abnormal prisoners, there is a real need in the justice system for additional specialists in forensic psychiatry and we therefore **recommend** that the Departments of Justice and Health confer with a view to determining what funding and arrangements for training, are necessary to meet this need.

We strongly support the work of Alcoholics Anonymous and the other professional groups specialising in the area of alcohol and substance abuse and **recommend** that prison authorities make their access to the prisons more freely available and that their work be supported so that it becomes the "norm" to seek such help, rather than its being seen as an indication of weakness.

PRISON OFFICER TRAINING

The question whether prison officers should be concerned solely with matters of security and custody or whether they should have a role in rehabilitation, is one that apparently continues to vex prison authorities. We understand that in the 1960's a good deal more emphasis was placed on rehabilitation than is currently the case. Some inmates indicated that they would prefer a dual system, where prison officers maintained security with their cultural and therapeutic needs being attended to by others. This concept parallels the ideas of a "therapeutic prison" and has some merit. However, we feel that more emphasis should be given to training officers in communication skills, conflict resolution and recognition of the signs of psychological decompensation, but having said that, we also recognise that the prison population today, is quite different from that of the 60's and that there is a need to maintain strict discipline lest gang conflict and intimidation of prison staff and vulnerable inmates escalates.

THROUGH CARE AND AFTER CARE

The Howard League suggested that a computer based system which would define the major needs of inmates as they entered prison, and from which specific efforts could be made to address such needs, may have a role in reducing recidivism. We support this idea but note that the Justice Department has already established the basis for such a system, but has not yet put it into effect. We **recommend** that it be put into effect without delay.

Such a system would enable a "follow-up" to be carried out in a more systematic way than is presently the case, and in the light of the Psychological Services, intention to leave "follow up" to community agencies would have obvious benefits. The principle of "follow-up" is an

important one. Families and community agencies are full of good intentions but it was clear to the Committee from discussions with groups such as "Prisoners Aid", and the inmates themselves, that a good deal more responsibility and practical caring needs to be demonstrated.

Where family or community groups are not available to provide support or accommodation for inmates released from prison, and where there is a need to continue rehabilitative measures to counter the causes that led to their offending, the Committee believes that the "Salisbury Street" Foundation in Christchurch provides an answer. This organisation runs a home as a "therapeutic community" that caters for the needs of the discharged offender who has a desire to overcome his tendency to offend. There are strict "house rules" which enable the residents to assume responsibility for their behaviour. The help of professional people may be sought, but, as is the case with groups such as Alcoholics Anonymous, it is essentially a self help organisation. In New Zealand there are few such houses and the Committee *recommends* that funding for such communities be given sympathetic consideration by the Justice Department where requests are made for it. Similar houses are also required for the mentally abnormal offender and it is further *recommended* that such homes for constitutionally impaired, mildly subnormal offenders, be supported by the Health Department.

We also *recommend* that where an offender is imprisoned for family violence an opportunity be provided for counselling of the offender and the family should it be requested and consented to by the parties.

SENTENCING AND ALLIED MATTERS

In this section we consider the vexed question of sentencing and other matters affecting the offender, or the Court process, as they emerged from the submissions.

One response to the problem of violent crime which appears to have immediate appeal is a call for offenders to be dealt with more severely, with longer prison sentences, harsher prison conditions for inmates and less use of parole. At first sight the matter is quite straightforward and the answer obvious. People are committing more violent offences so this must mean that penalties are insufficient. If penalties are increased, offending will decline. This overly simplistic approach comes through very clearly in the submissions received by the Committee on the question of sentencing.

Many of the submissions also criticised what was perceived to be a weakness or mark of leniency in the remand and sentencing process, the basic argument being that the punishment, and hence the deterrent to the offender was almost non-existent. The submissions ranged from the understandable emotional reaction of some, to a more reasoned analysis of seemingly lenient sentences by others. The major ground for a demand for increased penalties, and corporal or capital punishment, lay in the deterrent aspect of such sentences, although the protection of the public and simple retribution were also seen as valid grounds for harsher sentences.

CAPITAL PUNISHMENT

The Committee received 172 written submissions and 1578 signatures to newspaper coupons supporting the introduction of capital punishment. It is notable that of the 172 submissions all but two were from individuals. One group advocated a national referendum on the issue, and a country branch of Rotary suggested a three year trial of capital punishment. 129 submissions were received opposing capital punishment. They came from individuals, church groups, Amnesty International, The Mental Health Foundation, The National Council of Women and other large organisations, having a total membership of many thousands.

In New Zealand capital punishment was mandatory for murder until 1941, when it was abolished only to be reintroduced in 1950 after some very brutal and highly publicised murders in 1948 and 1949. In 1961 the question of capital punishment was debated again when the 1908 Crimes Act was replaced by a new code. The Crimes Act 1961, which abolished the death penalty for murder, came into force on 1 January 1962. The death sentence was last imposed for the crime of murder in 1961, and was last executed in 1957. Between 1957 and the coming into force of The Crimes Act 1961, it was the practice of the Executive Council to commute all death sentences to life imprisonment.

Many arguments have been raised for and against capital punishment, deterrence being the major one for those who support its introduction. If capital punishment is a deterrent to murder then a decrease in the rate of executions should result in an increase in the murder rate, but statistical evidence does not bear this out.

In those European countries which abolished the death penalty in the 19th or early 20th century, the available statistics show that the abolition was followed by a decrease, rather than an increase, in homicide rates, and the British Royal Commission on Capital Punishment (1949-1953) which examined data on capital punishment from many countries concluded:

"The general conclusion which we have reached is that there is no clear evidence in any of the figures we have examined that the abolition of capital punishment had led to an increase in the homicide rate, or that its reintroduction has led to a fall."

The death penalty was referred to by both The 1979 Select Committee on Violent Offending and The Penal Policy Review Committee. The Select Committee rejected the reintroduction of capital punishment, as it has been shown to be ineffective as a deterrent to crime, and The Penal Policy Review Committee was unanimously opposed to reintroducing capital punishment. It noted that capital punishment still exists for treason, but a majority of the Penal Policy Review Committee felt that this too should be reduced to a maximum of life imprisonment.

We are in full agreement with those earlier reports. In our opinion capital punishment is without justification. It is ineffective as a deterrent and morally repugnant.

CORPORAL PUNISHMENT

The submissions on this issue showed the same trend as for capital punishment, both as to numbers for and against, and the identity of those supporting or opposing.

Corporal punishment was introduced in New Zealand in 1867 when boys under 16 could be whipped for certain sexual offences. The 1893 Criminal Code Act provided for flogging or whipping for some 30 crimes against the person. Flogging was with the cat-o-nine tails, and whipping with strokes from a rod. 17 men were flogged between 1919 and 1935 when the last flogging took place.

We have assumed that those who support corporal punishment contemplated that the punishment should be carried out by birching or whipping rather than flogging.

The 1979 Select Committee rejected corporal punishment for the same reason that it rejected capital punishment, namely, its deterrent effect was unproven, and the Penal Policy Review Committee rejected corporal punishment in short order, the majority concluding that responding to violence with violence of the same type was not the answer in a civilised community.

None of the studies carried out on the subject provide any statistical evidence that corporal punishment acts as a better deterrent than other penalties. Quite apart from that, as the Justice Department submission points out, the reintroduction of birching as a judicial punishment in New Zealand after 50 years could have implications for New Zealand in international law. New Zealand ratified the International Covenant on Civil and Political Rights in 1978. The effect of this ratification was that New Zealand pledged itself in international law, and before the United Nations, to observe certain standards, among them being "that no one shall be subjected to . . . degrading treatment or punishment." The meaning of the term "degrading punishment" in relation to birching was considered by the European Commission of Human Rights, and subsequently by the European Court of Human Rights, in the case *Tyrer v. United Kingdom*. The case concerned the sentencing of a 15 year old male to three strokes of the birch by a Juvenile Court in the Isle of Man. It was held that the United Kingdom Government, which was responsible for the Isle of Man's international relations, was in breach of the European Convention because birching was a "degrading punishment".

We conclude that both from a deterrence and human rights point of view, corporal punishment cannot be regarded as a viable alternative sentence in any circumstances.

It is appropriate to mention at this stage, that the Committee also received 30 submissions advocating castration for sexual offenders, three supporting other forms of mutilation and 23 in support of establishing a penal colony on some remote island where prisoners would virtually be left to fend for themselves. We can make no useful comment on these suggestions.

MANDATORY MINIMUM SENTENCES

There was very strong support both in the submissions and a petition presented to the Committee bearing thousands of signatures, for the enactment of mandatory minimum sentencing laws. Such laws set aside judicial discretion in sentencing by providing that the offender must be sentenced to imprisonment for a mandatory minimum term, below which the Court cannot go. Public concern at what is seen as leniency or inconsistency by sentencing judges, has led to the enactment of mandatory sentencing laws in some overseas jurisdictions, but in countries having similar systems of justice to New Zealand (for example Australia and the United Kingdom) they have not generally been favoured. In New Zealand they have received little attention, probably because mandatory minimum sentences impose limits on the discretion of the Courts, and, in New Zealand, the independence of the judiciary from other areas of government has always been vigorously maintained. The intervention of the legislature by providing for the imposition of mandatory sentences, irrespective of the circumstances of the case and of the offender, removes the Court's ability to deal with each case individually on its merits.

The Penal Policy Review Committee discussed the impact of mandatory penalties and said:

"In the long run, the total sum of the injustices done to individuals by this process (under mandatory sentencing) would harm the ideals of law and justice in the community far more than those occasions when the Courts may have been too lenient."

It is the Committee's opinion that where penalties are fixed, or where there is a minimum sentence that must be imposed by the Court, then the possibility of mistake and injustice, or perceived injustice, becomes greater; the flexibility necessary to deal with hard or unique cases is reduced; and the usefulness of the criminal law as a means of controlling behaviour is substantially undermined. It is possible that victims of offences which have a severe mandatory penalty will be more reluctant to report the offence, or co-operate in prosecuting the offender. The offender too, may take the view that "he may as well be hung for a sheep as a lamb" and pursue his attack beyond the bounds intended. The spokeswoman for Rape Crisis Centres expressed this fear concerning the proposal to introduce harsher penalties, her concern being that rapists might be encouraged to murder.

Another effect could be that offenders may be more likely to plead not guilty and demand trial, leading to further clogging of an already over-burdened Court system and plea bargaining might develop thus evading altogether a charge which carries a mandatory minimum sentence.

In our opinion, any advantages mandatory minimum sentences may have, (and the advantages are not easy to determine) are far outweighed by the disadvantages, and we do not support their imposition.

Some submissions advocated an increase in the statutory maximum sentence for some forms of violent offending, but in our opinion the existing maximum penalties are adequate.

THE COURT'S ROLE IN SENTENCING

The 1979 Select Committee on Violent Offending made this recommendation:

"That the Courts take note of hardening public reaction to the increasing number of serious violent offences when imposing sentence within the existing scale of maximum penalties."

The Select Committee considered that although the range of penalties for violent offences currently on the statute books was adequate, there appeared to be validity in the view that

the Courts were lagging behind the rising concern of society about violence, and that the Courts should impose sentences more frequently closer to the maximum.

The difficulty with this recommendation is that it implies an element of interference with the traditional judicial independence of the Courts.

A further problem is that it is not clear whether a public, which was fully informed about all the circumstances of a case, would consider the actual sentence imposed for a violent offence to be too lenient. "Public reaction" to sentencing is usually based on media reports of cases which rarely report the full facts of the offence and details of the offender. We agree with the Justice Department submission that there is a case for research being undertaken to discover, if possible, whether popular opinion and Court sentencing practices are indeed out of step.

The Penal Policy Review Committee stated that it did not detect a similar public concern at the level of sentences imposed for violent crimes in the submissions it received. **We cannot say the same.** The calls for capital and corporal punishment, mandatory sentences, and an increase in the statutory maximum penalties, none of which we recommend in themselves, indicate a clear concern that present sentences are inadequate. Apart from that, a significant number of submissions specifically criticised the present level of sentencing, while some whom we interviewed, who had been on the receiving end of the sentencing process, regarded the sentences they had received as a "joke".

The Police Department's submission on the Court's role was couched in strong terms. It said:

"Overwhelming discontent has been expressed by members of the Police in regard to inadequate sentences and lenient attitudes shown to violent offenders.

The Courts must be seen to be upholding the rule of law much more effectively than at present and much more quickly. If this is not done the public will act as vigilantes and take the law into their own hands. This happened in Auckland recently when two persons were killed as they attempted to take a car from outside a hotel. The motive for the killings was that the car owner did not consider that the Court would impose an adequate penalty.

Similar instances have occurred in Christchurch and Shannon but fortunately without such drastic results."

Probably the most important consideration in this context is that the submissions we have received represent the views of hundreds of thousands of people, all concerned at the increase in violence, with a significant number directing their concern at the sentencing process.

For reasons already stated, it is not appropriate for this Committee to make any recommendations on the Court's role in sentencing, but we do ask that the public concern, as demonstrated by the submissions, be given full and earnest consideration.

THE SHORT SENTENCE

A number of District Court Judges and experienced criminal barristers have expressed a concern that prison is now used as a last resort only. This is certainly the modern trend and has been the thrust of penal policy as evidenced by the Criminal Justice Acts since at least 1954.

The concept of prison as a last resort is, of course, a sensible one. However, there is the view that the 'short, sharp, shock' at the start of a potential criminal career is to be preferred to the 'development' of the criminal through a series of non-custodial sentences and we believe it to be an effective sentence in some cases.

An offender sent to prison today will almost, without exception, have experienced a sentence of probation (now supervision), a fine, perhaps community service and periodic detention, before receiving the sentence of last resort, imprisonment.

This Committee is not suggesting any basic change away from the concept of rehabilitation but **recommends** that the short, sharp, shock of seven days to three months imprisonment should be the subject of further investigation.

We further **recommend** that such short sentences should be served in spartan conditions of such a standard that prison is seen as a place to be avoided; with no remission or parole for such sentences.

CUMULATIVE AND CONCURRENT SENTENCES

A number of submissions expressed concern at the practice of sentencing concurrently, the Police Department's submission going so far as to recommend that **all** sentences should be cumulative. The Committee regards that suggestion as too extreme. The "totality principle" in sentencing is well recognised and achieves substantial justice but in the Committee's opinion it has no part in the case where the Court is required to sentence an offender for a series of unconnected crimes. This is another instance of intrusion into the Court's role and again we merely ask that the submissions and our views be considered.

RECIDIVISM

This is an important issue and was regarded as such in the Police Department's submission. The problem is that there is a complete lack of research material on the subject. By analysing fingerprint statistics, the Police Department has been able to establish what can only be regarded as a "trend" in repeated offending. The submission states:

"The overall trends when new offenders are compared with re-offenders are:

- (a) The number of new offenders coming to notice has remained stable for the last ten years at an average of 16,834 per year;
- (b) The number of recidivists coming to notice has increased dramatically since 1982, until by 1985 they were two and a half times the number of new offenders."

The Police Department's view is that the current system does not have the ability to prevent or neutralise recidivism, and it suggests that some "mechanism" is required to interrupt or break the recidivist cycle.

It is beyond the competence of this Committee to suggest what that "mechanism" should be but obviously the problem of the recidivist is well worthy of further study, and we so **recommend**.

We further **recommend**:

1. That Section 5 of The Criminal Justice Act 1985, which provides that violent offenders be imprisoned except in special circumstances, be amended by substituting two years for five years in Subsection 1(a).
2. That there be an amendment to the same Act to provide for imprisonment except in special circumstances where the offender is convicted of **any** act of violence, and has within the two preceding years been convicted of **any** act of violence.

PAROLE

The present law, as contained in S93 of The Criminal Justice Act 1985, is that an offender serving a term of imprisonment is eligible to be released on parole after the expiry of half his sentence where it is for a term of less than 14 years, and after the expiry of 7 years, in the case of a life sentence of one of 14 years or more.

The submissions received on this issue complain that the parole provisions severely undermine the effectiveness of the sentence imposed as this extract from the Police Department's submission indicates:

"A recent example is the sentencing of "Y" in a High Court, 11 July 1986, on four charges of rape. "Y" was sentenced to seven years, nine years, eleven years and thirteen years. On the face of it this appears to be an excellent example of how the Courts will not tolerate women being menaced in the streets and violated in the privacy of their own homes. However the terms of imprisonment were concurrent. On this basis "Y" can serve a maximum of thirteen years. He is eligible for parole after six and a half years; in effect he will serve one year seven and a half months for each charge of rape."

We understand that it is intended to amend the parole provisions with effect that the Parole Board, on application from the Secretary for Justice, may order an inmate to serve the full term of a finite sentence, so depriving him of his eligibility for early release on remission or parole, but this amendment will apply only to inmates serving sentences for certain serious sexual offences, manslaughter, attempted murder, wounding or injuring with intent, aggravated wounding and acid throwing, leaving sentences for many other violent offences unaffected.

The issue of parole after half sentence, was raised before The Penal Policy Review Committee. It said:

"We are not prepared to see the integrity of a sentence undermined to this extent."

That comment has the full support of this Committee which *recommends* that the half sentence parole provisions be reviewed as a matter of urgency. It further *recommends* that where the sentence is for life, the offender shall not be eligible to be released on parole until after the expiry of 10 years.

BAIL

We have already considered the question of bail in so far as it affects the victim and we deal now with broader issues.

A number of submissions called for restrictions on bail, the most comprehensive being those of the Police Department and the Police Officers Guild. The Guild referred to the negative effect re-offending by bailed offenders had on the commitment and resolve of Police officers, and the Police Department saw stringent restrictions on the granting of bail as one effective means of curbing violence. The latter submission was supported by details of specific cases where further violent offending had occurred following release on bail.

We can appreciate that the difficulties and frustrations the Police face are very real, but on the other hand a denial of bail means a person is imprisoned although he has not been tried, convicted or sentenced. This is a serious qualification of the principle favouring personal liberty. Lord Hailsham L.C., in an address to the Gloucestershire Magistrates in 1971, said:

"Bail is important . . . because it affects the liberty of the subject . . . it is the only example in peacetime where a man can be kept in confinement for an appreciable

period of time without a proper sentence following on conviction after a proper trial. It is therefore the solitary exception to Magna Carta."

We see no profit in considering when bail should or should not be granted—the Criminal Law Reform Committee laboured away at that problem for two years. We propose to limit our consideration to the position after bail has been granted.

The present position is that if a defendant fails to appear, a warrant may issue for his arrest and the Court may order forfeiture of the amount of the bond. The forfeiture procedure is rarely undertaken, and would be a fruitless exercise in any event in many cases.

We **recommend** that new offences be established, of failing to appear contrary to the condition imposed in the bond, with a maximum penalty of 12 months imprisonment; and failing to comply with any other condition of bail, with a maximum penalty of three months imprisonment. We make no recommendation as to whether the financial bond should remain but see advantages in its retention in serious drug or fraud cases.

We further **recommend** that an offender convicted of **any** offence of violence committed while on bail for **any** offence shall be sentenced to a full-time cumulative custodial sentence unless the Court is satisfied that because of the special circumstances of the offence or of the offender, the offender should not be so sentenced.

We further **recommend** that the District Court have the same power as the High Court to impose such conditions of bail as may be appropriate in the circumstances.

PRIORITY HEARING FOR VIOLENT OFFENDING

A "priority hearing" proposal was made to the 1981 Committee on Gangs by the then Chief District Court Judge, and we agree that it is desirable that in the case of violent offending, the delay between the commission of the offence and trial should be reduced to the minimum. The advantages of a speedy trial are that witness' memories are not adversely affected, the prospect of intimidation of witnesses is reduced, bail may not be necessary, the stress on the victim is diminished, and with no prospect of a lengthy period at large on bail, pleas of guilty may result.

The Committee on Gangs accepted The Chief District Court Judge's proposal and recommended that "administrative and statutory provisions should be developed to give special priority to cases involving serious violence in order to reduce delays between arrest and sentencing."

Following that recommendation, the Justice Department and the Chief District Court Judge considered what steps should be taken, whether by way of administrative change only, or also by legislative amendment to meet the situation. It was actioned by way of setting time-bound objectives.

These objectives were:

- (a) to ensure that any person committed for criminal trial to the High Court had a Hearing date allocated within two months of the date of committal;
- (b) to schedule District Court jury trials for Hearing within one month of a committal for trial;
- (c) to schedule all summary trials before a District Court Judge for Hearing within eight weeks of a plea of not guilty.

It appears that the agreed objectives applied to all criminal trials, not only those involving violence, and in the result, Courts had difficulty meeting the objectives.

We think it essential that offences of **violence** be dealt with by the Courts as quickly as possible in the interests of the victim, the offender and the public.

Offenders have shown that they have the ability to manipulate the system by entering dubious pleas of not guilty to secure long term remands. Such remands are then turned to the benefit of the offender on sentence, and apart from that we have heard of many instances of offences of violence being committed while the offender is on bail for similar offending. The result of this is that the public's confidence in the judicial system is weakened, the victim is justifiably frustrated, and the offender has learned nothing from the experience.

Furthermore, an anticipated long delay before trial is an important factor in the granting of bail, and although the presumption of innocence is of the utmost importance, a fairer balance of private and public interests can best be achieved by a speedy trial.

We appreciate that not all trials will lend themselves to a "fast track" procedure for one reason or another, but we believe it could be applied to the great majority of cases involving violence.

We therefore **recommend** that urgent steps be taken to set up a priority procedure for the defended hearings of all offences involving violence, whether before a jury in the High Court or the District Court, or before a Judge alone.

PRISON CONDITIONS

The Committee received 202 submissions from individuals (with one exception), advocating harsher prison conditions, with 50 expressing a contrary view.

There is no doubt that for many inmates, prison is much more than a home away from home. It's a haven, where they enjoy conditions not experienced on the outside, and it holds no fears for them. The question is whether prison conditions generally should be made harsher with few, if any, privileges, spartan fare and perhaps hard labour. Apart from what we have said on the "short sharp" sentence, we could not recommend that all prisoners in all prisons be subjected to harsh conditions.

Therapy, while in prison, is the real key to the problem and that is dealt with elsewhere in this report.

MISCELLANEOUS MATTERS

In this section of the report we have gathered together a number of matters bearing on offenders or the Court process which do not fit easily into any other part of the report.

Offences Committed under the Influence of Alcohol or Drugs

We see no justification for offenders being given some form of credit on sentencing because at the time of the commission of the offence, he was affected by alcohol or drugs. The effects of liquor or drugs are, of course, very relevant considerations to be taken into account in the determination of intent and guilt and we have no desire to change the law in that regard. However, we do **recommend** that there be a legislative provision to the effect that on sentencing no regard is to be had for the fact that the offender was affected by alcohol or drugs at the time of the commission of the offence except in so far as it may be relevant to a course of curative treatment.

Our point is that there should be no diminution of sentence solely on the ground that the offender was so affected.

Anger Management Courses

In the submissions and at public hearings, we heard much about "anger management courses" and their effectiveness. We were impressed, and **recommend** that Courts give consideration to ordering attendance at an "anger management course" as a condition of a sentence of supervision, or as part of the programme of a sentence of community care.

Preventive Detention

We understand that an amendment is proposed to the Criminal Justice Act 1985 whereby the age of eligibility for the sentence of preventive detention will be reduced to 21 years (presently 25), and the crimes for which the sentence may be imposed, extended to cover certain crimes of violence. At present the sentence applies only to sexual offences.

The proposals have our support.

Release of Prisoners

It has been suggested that it would assist with the aftercare of Maori prisoners if the Prison authorities were, with the consent of the inmate, to inform the prisoner's family, or an accredited Maori welfare group, or Maatua Whangai, of the date and time of the prisoner's release one month before the release date. This would enable the family, tribal elders and community workers to consult and decide on a plan of rehabilitation.

We **recommend** the adoption of that proposal but with the addition that it should be extended to all prisoners, with the information being given to families and any welfare group the prisoner may have been associated with in the case of pakeha prisoners.

Sentencing Practice

We **recommend** that the Justice Department adopt a policy of informing the public of the full circumstances of a case and of the offender, where there is public criticism of a particular sentence. We think it important that the public should be adequately informed of current sentencing practice.

Supervision Orders

An order of supervision, or probation as it was once known, has always been a helpful and rehabilitative part of the sentencing armoury. It allows offenders to be placed under the supervision of a skilled Probation Officer for periods up to two years. Furthermore it enables Courts to impose helpful conditions of supervision.

We are concerned that a Court can no longer order a period of supervision to follow a period of imprisonment. The previous Criminal Justice Act allowed such a sentence. The 1985 Act does not.

We think it essential that the law should provide that a period of supervision may follow a term of imprisonment so that rehabilitative programmes may be maintained.

We therefore **recommend** that the Criminal Justice Act 1985 be amended as a matter of urgency, to allow a supervision order to be made to take effect on the expiry of a term of imprisonment.

Witness Waiting Rooms

We **recommend** that separate waiting rooms be made available for prosecution witnesses at all defended hearings. Ample justification for this recommendation is to be found in this passage from the Police Department's submission:

"Complainants and witnesses need to wade their way through masses of defendants and their associates in witness rooms and corridors in the Court building. The complainant or witnesses are subjected to antagonistic glances, gestures, aggressive stances and salutes. This is particularly so when gang members are defendants. It seems a tradition that as many gang members as possible crowd the court to lend support or encouragement to the defendant. Complainants and witnesses should not be subjected to this type of behaviour. Separate facilities must be provided for complainants and witnesses, away from defendants and associates."

TELEVISION VIOLENCE

The Committee received 425 written submissions and a number of oral submissions at public hearings all expressing concern at the violence portrayed on television, and its effect on the behaviour and attitudes of its viewers. The majority of those who made submissions accepted that a number of factors contribute to violent behaviour and that television violence was not the only cause by any means. However, concerns have been expressed that television violence leads to imitation, or prompts viewers to other acts of violence which are not imitative, reduces emotional sensitivity and revulsion towards real violence, breaks down inhibitions against violence and leads to a change in the values of society or individuals so that violence becomes more acceptable, or is seen as unavoidable.

The 1979 Select Committee on Violent Offending considered the question of television violence and concluded that the procedures then current for the monitoring of violence in television programmes were adequate, while urging the television authorities "to remain vigilant for material that could be linked with imitative violent behaviour". In short, it saw no need for stricter censorship.

The submissions that came to us, including those from 81 groups and associations representing many thousands of people, indicated clearly that whatever may have been the position in 1979 there is now a real need for stricter censorship and control.

Our task in this part of our Inquiry, has been eased by the Report of the Royal Commission of Inquiry into Broadcasting and Related Communications in New Zealand of the 30th September 1986. It is apparent from that report that the Commission, which considered the problem in some detail, had before it substantially the same submissions as were presented to this Committee.

As we are in basic agreement with the Commission's conclusion upon them it is unnecessary to present in detail in this report, the very extensive literature and research papers presented to us.

The Commission concluded that there was enough established knowledge and public concern about the long-term cumulative effects of viewing high levels of violence to warrant action to reduce the amount of it shown on television.

The Commission saw such a conclusion as being in consonance with the evidence that came before it, and the bulk of the research findings it considered. We agree with that conclusion, but not the Commission's view that "television is more a mirror of the reality around it than it is a cause of that reality, even though it is a cause of part of it". In our opinion analyses of television content show that television certainly does not portray violence as it actually occurs in real life. It grossly distorts and exaggerates this aspect of life and by these distortions offers harmful models to its young viewers.

Before considering the recommendations made by the Commission it is appropriate to consider the Broadcasting Corporation's approach and attitude to the question of television violence as we perceived it.

The Corporation made a written submission to the Committee in which it posed, and provided an answer to, two propositions. The first was "violence on television is causing increased violence in society". The Corporation's answer to that was that after many years of research there was no conclusive proof, and no agreement among researchers, that television did or did not cause increased violence. The second proposition was "there is too much violence on television". The Corporation saw this as not being a causal proposition but simply an expression of viewer requirements or desire for change. The Corporation saw it as inappropriate for it to determine policy on the basis of unproven causal assertion, but appropriate for it to react to widespread expression of viewer wants, and it seems that it is on

that basis alone that changes in programming are formulated. In the Corporation's submissions at a public hearing before the Royal Commission the Controller of Programming said that he was confident that the programme schedules were in tune with the attitudes, standards and thinking of the community at large, and noted that "programmes that contain violent scenes are amongst the most popular and highly regarded".

In short, the Corporation does not accept a causal connection between television and violence, and furthermore, has, in our opinion, misread the attitude and thinking of the community. To its credit the Corporation has made some reduction in the number of violent programmes but from the submissions made before us on its behalf, it seemed clear that it would take some convincing that it should go further, for the simple reason that violent programmes, ratings and revenue are very closely linked, which is a sad commentary on our society.

In our opinion the Corporation places too much emphasis on "viewer wants", and not enough on the conclusions of the majority of scientists researching in the field of television and its effects that there is a link between televised violence and later aggressive behaviour (Rubinstein 1983).

We also have reservations about the Corporation's move to broadcast violence mostly after 9.00 p.m. In many cases the Corporation's reliance on parents to ensure that children do not view will be misplaced, and the move is disquietingly similar to that undertaken by the American television industry after the 1972 Surgeon General's report.

Haines (1983) described this move as follows:—

"The networks decided to agree to screen only programmes suitable for family viewing in a two hour period in the early evening. However, as critics have commented, 'The entire concept was far more an exercise in political imagery than a sincere attempt to deal with the problem of television violence.' The effect of 'Family Hour' was to reduce violence drastically during the early evening, and to concentrate it in the later evening, as the following headline from *Variety* indicated:

TV NETWORKS RAISE GORE CURTAIN
Open Season on Violence
Slime at Nine"

We do not see a reduction in television violence as being solely concerned with the protection of the young. The whole community has been subjected to a diet of violent viewing for years with the result that, according to the Corporation, it is now "most popular and highly regarded".

It is our view that before any real progress can be made in reducing violence there must necessarily be a very substantial change in community attitudes and standards to the point where violence is not "most popular and highly regarded" and we question whether that can be achieved by the Corporation's simplistic approach, as stated to the Royal Commission by the Controller of Programming that "the ultimate choice is for the viewer and the parent".

The Corporation is charged under the Broadcasting Act 1976 with the responsibility for programmes and their standards but for the foregoing reasons we seriously question whether the Corporation should be left with the sole responsibility for that task. Its attitude to the problem does not inspire confidence.

We turn now to the recommendations made by the Royal Commission. They are:

1. That warrant holders should work towards and take responsibility for a substantial reduction in the amount of violence on New Zealand television, especially during children's viewing hours.

2. That warrant holders should have in mind a programme for the reduction of violence on their schedules, and especially the more harmful kinds of violence, when they are purchasing programmes.
3. That warrant holders should indicate to those from whom they purchase that they would prefer less violence in the programmes on offer and that they were actively seeking alternatives on a wide basis.
4. That the recommended Broadcasting Tribunal Rules Committee make more precise and clear the present rules and standards about the types of violence which are to be avoided as particularly harmful or to be reduced in general.
5. That the Broadcasting Tribunal should monitor warrant holders' adherence to the rules and standards regarding the portrayal of violence.
6. That sections 24 and 95 of the Broadcasting Act 1976 be amended to include specific reference to the reduction of violence.
7. That programme classifications and explanation of those classifications be published with all programme listings and that the classifications be screened, as identifiable symbols, at the commencement of each programme.
8. That there be a "watershed commercial" screened which indicates the end of family viewing time.
9. That the Broadcasting Tribunal and the Broadcasting Commission should support, contract for or conduct research on the relationship between violence and broadcasting and its impact in New Zealand, and that warrant holders should have a substantial part in the funding of this research.
10. That the same rules and standards in respect to the treatment of violence in programming should apply to advertising.

We are in substantial agreement with those recommendations and, subject to two reservations, join with the Royal Commission in **recommending** their implementation. The first reservation concerns the "watershed commercial" to indicate the end of family viewing. We **recommend** a reduction in violent viewing across the board for the reasons already stated. There is a very real danger that by such a deliberate and manifest division of viewing time the violent content of the later period will only increase in quantity and degree.

Our second reservation concerns the need for further research as contained in Recommendation 9. In a paper presented in 1983 a former Director General of Television New Zealand said:

"What does one say about a subject that has been researched and debated for more than 30 years? Let me give you just one example of the intensity of the spotlight on the subject. The Ontario Royal Commission on Violence in the Communications Industry sat for two years, visited 15 countries, assembled all available literature on the subject, (more than 4,000 titles) reviewed previous research and held 61 Public Hearings. Since then there has probably been another thousand studies. So what can you say about a subject that has been the target of thousands of research projects—a subject about which millions of words have been written and on which millions of dollars have been spent? Certainly no other area of our social life has come under such a scrutiny over the same period."

That statement was not made in the course of a paper supporting a connection between television and violence, indeed it was to the contrary, but it is apposite on the question of whether the expense of further research, (and it would be expensive) is justified. We see no good reason for it and the only result would be delay in implementing the remedies which present research indicates are required now.

VIDEO VIOLENCE

The Committee received many written submissions on the issue of video violence and the associated question of censorship. They came from individuals, groups and societies, and school children, indicating the widespread concern.

What has been said earlier in this report concerning the relationship between television and violence applies with even greater force to video recordings, which contain violence of a more serious and destructive kind than anything that appears on television.

It must be said in defence of video recording retailers, that they have only limited control over the final use to which hired recordings will be put. In other words, no matter how strictly responsible retailers may police the hiring of tapes, the ultimate responsibility for ensuring that children are not exposed to them, rests with the hirer. It is clear that many adults regard the efforts of retailers to screen minors from potentially harmful material as an unwarranted interference with their freedom of choice, and so overrule them.

The law currently provides a measure of control on video recordings through the Indecent Publications Act 1963 and the Films Act 1983. The Films Act 1983 provides for the approval by the Chief Censor of all films (including video recordings) for *public exhibition*. Approval may be declined if a film is likely to be "injurious to the public good". A film approved for public exhibition must be accompanied by the details of the Chief Censor's Certificate of Approval for that film, which will show the particular censorship classification assigned to it.

The Indecent Publications Act 1963 covers all videotapes other than those which have been approved by the Chief Censor for public exhibition. Videotapes are thus subject to the same restrictions as all other publications, such as books and magazines, and various offences are provided for selling, hiring or exhibiting an indecent videotape. However, while the indecency of books, magazines, and sound recordings is determined by the Indecent Publications Tribunal set up under that Act, the indecency of all other material, including videotapes, is determined by the District Court in the course of prosecutions brought under the Indecent Publications Act 1963.

Other legislation of relevance in this context is the Customs Act 1966, which provides penalties, including forfeiture, for the importation of indecent videotapes; and the Post Office Act 1959, which makes it an offence to send indecent material through the post.

As with television violence, the Committee's deliberations have to some extent been overtaken by events with the presentation of the Video Recordings Bill, which provides inter alia for the labelling of videos according to content, and the establishment of a Video Recordings Authority which will classify video recordings submitted to it as:

1. Not indecent; or
2. Indecent if viewed by persons under a specified age; or
3. Indecent unless circulation is restricted to specified persons or classes of persons; or
4. Indecent unless viewed or used for a particular purpose; or
5. Indecent.

The Bill provides, in short, for a fine of \$2,000 for selling, hiring, making or exhibiting an indecent video recording.

"Indecent" is defined in the Bill as "includes describing, depicting, expressing or otherwise dealing with matters of sex, horror, crime, cruelty or violence in a manner that is injurious to the public good". This follows the definition of "indecent" in the Indecent Publications Act.

It is primarily the labelling authority provided for in the Bill which concerns the Committee.

The Bill provides for the Minister of Internal Affairs to approve any body or organisation to act as a labelling body, but approval will not be given unless the Minister is satisfied that the body or organisation is representative of persons who are engaged in the distribution or supply, or production, of video recordings in New Zealand. The functions of the labelling body are described in the Bill as follows:

- (a) In accordance with regulations made under this Act, to assign a rating to any video recording referred to it for the issue of a label:
- (b) Where appropriate, to assign a description to any such video recording so as to indicate the extent and degree to which that video recording contains anti-social behaviour, cruelty, violence, crime, horror, sex, or offensive language or behaviour:
- (c) To issue, in respect of any such video recording, a label which contains the rating and description (if any) assigned to that video recording:

It is further provided that, with leave of the Secretary for Internal Affairs, the labelling body may submit a video recording to the Video Recordings Authority, where it considers that any recording submitted would be likely to be classified by the Authority as indecent, or where it is having substantial difficulty in determining the appropriate rating.

We see the labelling body as the real key to the control of potentially harmful video recording but in our view the Bill does not achieve its purpose. Our prime concern is that according to the Bill, the labelling body must be representative of the video industry, when it is the shortcomings and self interest of some members of that industry which has, at least to some extent, made controlling legislation necessary.

What is required is a body divorced from the industry, having the public interest, and only the public interest, at heart; and having some expertise on child development and visual media effects, which the Video Retailers Association accepts it does not possess.

We are not particularly happy about the form of the Bill, although it is a welcome step in the right direction, but should it be adopted we **recommend** that a labelling body be independent of the video industry and have the skills to truly evaluate what might be injurious to the public good.

In the Committee's opinion a major problem still remains—one which is even now virtually out of control, and that is the hundreds, if not thousands of pornographic and violent video recordings with their lurid covers, presently freely and legitimately available to the public and displayed in close proximity to recordings labelled as suitable for "family viewing" or "children".

RECOMMENDATION

The Committee **recommends** that pornographic, and the more violent recordings should not be openly displayed, with their hiring to be arranged through a descriptive brochure.

UNEMPLOYMENT

Although the precise relationship between unemployment and violence has yet to be determined, overseas studies have established such a relationship (Johara 1979; Brenner 1977). There is no doubt that the public sees a relationship because unemployment was the subject of many submissions to this Committee.

It was not within our terms of reference to make a detailed study of the causes of unemployment, or the means by which it can be reduced but the social costs of unemployment are our concern and therefore we felt it necessary to determine the trends of unemployment in this country over the last 20 years, and to make ourselves aware of the various attempts to alleviate it. The latter exercise was particularly important in regard to the Group Employment Labour Scheme for gangs and work trusts. We made a special effort to speak to these groups and to learn of the benefits, if any, of the schemes.

The following table represents the levels of unemployment over the last 20 years.

"Source: Department of Labour

1966	..	..	..	..	463
1967	..	..	..	..	3,852
1968	..	..	..	..	6,881
1969	..	..	..	..	2,926
1970	..	..	..	..	1,600
1971	..	..	..	..	3,116
1972	..	..	..	..	5,684
1973	..	..	..	..	2,321
1974	..	..	..	..	955
1975	..	..	..	..	4,166
1976	..	..	..	..	5,356
1977	..	..	..	..	73,385
1978	..	..	..	..	22,330
1979	..	..	..	..	25,239
1980	..	..	..	..	36,500
1981	..	..	..	..	48,313
1982	..	..	..	..	52,098
1983	..	..	..	..	76,475
1984	..	..	..	..	66,534
1985	..	..	..	..	53,179
1986	..	..	..	..	67,325"

It will be seen that unemployment began to rise significantly in 1977 and to decline in 1985, but again began to rise in 1986 reaching unemployment levels comparable to those of 1983.

It is important to note the violent crime began to rise prior to the major increases in unemployment. However, according to the Justice Department's submission to this Committee, in 1971, when unemployment was less than 1%, 21% of violent offenders were unemployed. It may be, of course, that violent offenders are people who are less likely to maintain regular work. However, while the relationship between unemployment and violence is not a simple one, the escalation in violent crime does seem to have some parallel with the increase in the levels of unemployment over the last decade.

The main submissions to this Committee came from unemployed groups, and those agencies concerned for their welfare. We heard of the plight of the unemployed, their loss of dignity, their sense of frustration and helplessness and their increasing despair when unemployment started to rise to levels not seen since the 1930's.

It has been pointed out that Maori and Pacific Island people, women and the disabled were over-represented in the unemployment statistics and were the ones most likely to be vulnerable to any further deterioration in the current situation. The Committee considers that positive action is required to deal with the special needs of these groups.

For the sake of a more gentle society, the Committee exhorts the Government and business leaders to heed the voices of the unemployed. The myths propagated concerning the unemployed to the effect that they are "lazy" and "bludgers" on the State, serve only to compound their difficulties. Not only does such an approach lead to an even greater sense of worthlessness but is made in ignorance of research which clearly identifies apathy as an end consequence of a prolonged period of unemployment. The research literature indicates that unemployment results in considerable social cost, and this cost goes far beyond the payment of unemployment benefits. As Dr Max Abbott said in his paper to the Economic Summit in 1984 "statistics don't bleed but individuals do".

Our concern is with the impact of unemployment on violent offending, and in that context it is important to have regard for the many deleterious psycho-social effects that unemployment may have on individuals, families and communities. According to a 1984 Report by the Mental Health Foundation, the psycho-social consequences of unemployment include anger and depression, family violence, property crimes, rape, suicide, Mental Hospital admissions and alcoholism. The overall cost to the country is enormous and the suffering of those involved, beyond assessment.

It is important to note that the relationship between unemployment and violent crime is not a direct one. Only a proportion of the unemployed become violent, and again violence is found throughout all levels of society. It appears that other factors, such as a family history of violence, are necessary before an unemployed person is likely to be violent. Unemployment, like alcohol, may act as a releasing factor in the development of violence.

Reference to the impact of unemployment on family life is made in the section on Home and Family. It affects dramatically feelings of self-esteem, identity and relationships within families. However, as far as individuals are concerned, it is significant that those who are mostly likely to be adversely affected by unemployment, are those who want to work i.e. those who have not reached the point of apathy. In this context it would appear that apathy acts as a protection against despair and a counter to the violence that might erupt were apathy not present.

We are not in a position to pass judgement on the various schemes that have been initiated from time to time to deal with unemployment, but from what we heard, the phasing out of P.E.P. and V.O.T.P. schemes has resulted in confusion and bitterness among the unemployed and those who were assisting them to shoulder their burden.

Our impression was that insufficient information was reaching the unemployed despite the efforts the Labour Department makes to advertise their new schemes. Some Maori and Pacific Island groups in particular, felt discriminated against, although we were made aware that the new programmes such as ACCESS will specifically target their needs.

As indicated in the section of the report on "Gangs" we have no desire to become involved in the controversy surrounding the Group Employment Labour Scheme and we simply repeat that some very positive results came from the Scheme. For the first time some groups of unemployed experienced a real sense of achievement, and there were areas where crime diminished because of them. We believe the demise of the contract work scheme will deprive "The well intentioned" groups who participated in it, of the opportunity to prove their worth and change the course of their lives for the better.

It may be that the defects in the scheme having emerged, the situation should be re-appraised. We would not like to see the "baby go out with the bath-water"

We ***recommend*** that schemes targeting those groups previously benefitting from the Contract Work Schemes be commenced, with opportunities to acquire managerial skills; and resulting in contracts which are fair to all parties.

VIOLENCE IN SPORT

Although it is doubtful whether this form of violence comes within the Committee's terms of reference, we believe it has some relevance to our Inquiry. Most of the submissions bearing on the subject expressed concern at the negative example popular sports heroes displayed to the young when they are seen, often by the unblinking eye of the television camera, engaging in acts of physical violence on the sports field. It amounts to public promotion and acceptance of violent behaviour.

The submissions also expressed concern at the apparent unwillingness of referees and administrators to enforce the rules of their games by penalising severely those who use unfair and excessive violence on the sports field. The Committee shares the concerns expressed in the submissions and makes the strong **recommendation** that referees, administrators and others who are in a position to control sporting conduct, should review their stand with a view to eliminating gratuitous violence in sport and enforcing existing penalties.

THE VICTIMS OF VIOLENCE

INTRODUCTION

As indicated in the introduction to this report there was doubt whether concern for victims fell within the Committee's terms of reference but that doubt was dispelled by an exchange of correspondence between the Minister and an Auckland organisation "Citizens Against Violence" after the terms of reference of the Committee had been announced. The prime concern of that organisation is "the victim", and its second, on hearing of this Inquiry, was its belief that that subject had no place in the Inquiry because of the terms of reference. It was reassured by the Minister in a letter to its President in these terms:

"I would hope and indeed expect that there will be many submissions which direct the attention of the Committee particularly to the place of the victim and to ways and means to assist those who are unfortunate enough to be involved in criminal violence".

The Minister's hopes and expectations have been realised. The Committee received 269 written submissions bearing on the subject; 1600 "newspaper coupons" and a petition bearing 2000 signatures.

For the purposes of this part of our report we define "a victim" as one who has suffered physical or mental injury or emotional suffering through acts or omissions that are in violation of the criminal law. In terms of that definition we have considered the plight of those who are the subject of the violation, and those, usually close relatives, who have been indirectly affected by it.

We appreciate that the term "victim" is not acceptable to all and that some women's support groups prefer the term "survivor". In this wider Inquiry "victim" is more appropriate.

There is no doubt that our criminal justice system is overwhelmingly oriented in favour of the offender. In a criminal trial the accused may be represented by Counsel whose task it is to present the best defence possible within ethical limits. The victim has no separate legal representation although his interests are cared for in a limited way by the Crown as prosecutor. The only official recognition of the victim stems from his role as a witness but even there the testimony he may give is strictly prescribed. He plays no part in the trial, the bail or sentencing processes, or the parole procedure.

It is only in comparatively recent times that the public and criminal justice officials have questioned the traditional practices of the legal system and argued for more attention to be paid to the needs of victims. It was not until 1985 that the United Nations General Assembly passed a resolution adopting a Declaration of Basic Principles of Justice for Victims (to which New Zealand was a signatory). In the same year the Statutes Amendment (Victims of Crime) Bill came before the Legislative Council of the South Australian Parliament. In July 1986 the Government of Manitoba introduced legislation concerning victims of crime, and three months earlier President Reagan had declared a week in April as "National Victims Rights Week".

The 1979 Select Committee considered the question of victims and recommended legislation to protect child victims in situations of high risk but no legislation has been forthcoming. It also suggested that future reviews of legislation affecting crimes of violence "recognise to a much greater extent than in the past the implications for the victim".

The present statutory protection or other relief available to victims is limited to the following:

1. The Accident Compensation Act 1982 provides for pecuniary compensation for personal injury occasioned by criminal activity.

2. The Domestic Proceedings Act 1968 contains provision for Non-Molestation Orders.
3. Under the Family Proceedings Act 1980, Occupation and Tenancy Orders are explicitly linked to domestic violence.
4. Some Government funding has been made available for Women's Refuges and Rape Crisis Centres.
5. The Domestic Protection Act 1982 includes provision for a Non-Violence Order.
6. The Criminal Justice Act 1985 provides for a new sentence of "reparation" where loss of, or damage to property is caused through the offending.
7. The Rape Law Reform Bill (No.2), which was subsequently passed as three separate Acts, goes some way towards protecting a complainant and reducing the trauma of giving evidence at a preliminary Hearing.

Apart from the question of compensation, which will be dealt with later, the main submissions made on behalf of victims cover the following areas:

1. To the forefront are calls for mandatory minimum sentences; the death penalty or "true life" sentences for murder; corporal punishment; refusal of bail for violent offenders; a reduction in concurrent sentences; and a review of parole provisions.

Submissions on these issues, which were not restricted to those who supported the victim's cause, can more conveniently be dealt with in the section of the report dealing with "Sentencing and Allied Matters".

2. *The Need for Police Training in Victim Support*

The experiences of the victim with the criminal justice system begin with the involvement of the Police, who are then provided with the difficult and unique opportunity, through understanding, empathy and concern, of beginning the victim's rehabilitation. The measure of a modern and effective Police force is therefore not only the degree to which it prepares its personnel to investigate crime and apprehend criminals but also how well it prepares them to respond effectively to the wide ranging human needs of the victim. It has been submitted that sympathy and understanding are not enough for the problem calls for more than that. That problem was posed by Dr Max Abbott, Director, Mental Health Foundation of New Zealand, in his keynote address at the New Zealand Child Abuse Prevention Society Seminar in Hamilton in September 1984 as follows:

"Although usually addressed as a matter of law and order, we are also considering a major health problem. This is because for every crime—every murder, rape, assault and burglary—there is at least one victim, and while many offenders are caught, every victim is always punished. This punishment goes far beyond bodily damage and loss of property. While undoubtedly more total in the case of rape or murder of a close family member, the essential internal injury is similar for victims of other personal crimes—be it assault, robbery or burglary."

As Bard and Sangrey (1979) put it:

"Victims have been assaulted, emotionally and sometimes physically, by a predator who has shaken their world to its foundations. The psychological effects of victimisation are less visible than a physical injury or loss of property. Yet they are usually more devastating. And violation, the hidden wound, not only harms the victim but it reaches out to others in his or her intimate social world. Strained and broken relationships are not uncommon. While it is true that healing usually comes with the passage

of time, emotional scar tissue often remains in the form of long-term mental health problems, distorted personal relationships, and a diminished quality of life. Until quite recently these have been ignored. ***The reality and the needs of victims have been ignored by the media, the Police, the Courts, health professionals and researchers***''.

We have been informed that Police staff receive some preliminary Crisis Intervention Training in their initial training, but thereafter it is simply a matter of experience gained "on the job", and no other formal guidance is provided. The Criminal Investigation Branch of the Auckland Police (Central Division) has prepared a brochure for the assistance of staff, and which is made available to victims. It provides information on a victim's rights under The Accident Compensation Act, where claims maybe made, and the many agencies and groups which are available for help, counselling and support, and where they can be contacted. We **recommend** general adoption by the Police of such a brochure as an interim measure. Something more than that is required, and we **recommend** the introduction of Crisis Intervention Training for those members of the Police whose work will bring them into contact with victims. We see it as essential that such training must have the full support of the administrative staff so that the exercise will not be seen simply as "window dressing".

3. ***Victims Involvement in the Judicial Process***

Submissions made seek total involvement of victims in the judicial process and in particular—

- (a) To be kept informed at all stages of the investigation and the Court process, with pamphlets to be made available, giving information concerning assistance available by way of counselling, and Court procedures.
- (b) The right to be informed of, and attend Bail Hearings and be heard in opposition.
- (c) The right to furnish a victim impact report setting out the effects (physical, psychological and financial) upon the victim or surviving family. This would be submitted to the Court along with any probation or psychological or other report furnished on behalf of the accused. The victim should be permitted to address the Court, in terms of the statement, prior to sentencing.
- (d) The right to be notified when an appeal is lodged by the offender.
- (e) The victim to have a right of appeal within the same timespan as for the offender. Where a sentence appears to be inadequate and grounds for appeal are established, the victim should have the right to initiate an appeal.
- (f) The right to be notified of, and attend Parole Board hearings and to make submissions either in person or through a legal representative.
- (g) Adequate financial compensation to victims.

There is a measure of support for at least some of the victims' complaints in submissions made by the Police Department and the Justice Department. In the former it is said "There is a strong feeling amongst Police members over the lack of concern in the legal process for the victims of violent offences", and the need is seen for legislation in the areas of victim support and reparation. The Justice Department submission contains the following in its list of major recommendations:

"It is recognised that the proceedings of the criminal justice system can cause distress to victims of crime. The adversarial character of proceedings can contribute to this.

There are sound reasons for retaining this system, but the vulnerability and special circumstances of victims involved as witnesses in criminal trials must be recognised, and the need for such hearings to be conducted so as to minimise any additional distress to victims, noted.

It is widely believed that the needs of victims of crime have not been satisfactorily catered for, although much has been done already. The question is, what more can be done that is practicable. One proposal is that a Probation Officer's report could, in appropriate cases, contain information for the Court as to the circumstances of the victim.

This is a worthwhile idea. As to more far reaching proposals, the Victims Rights Bill, recently introduced into Parliament, is being studied with a view to advising the Minister of Justice and making submissions to the Select Committee'.

The Victims Rights Bill, which appears to have its origins in the Manitoba Bill, if accepted by Parliament, would go some way to meeting the concerns expressed in the submissions. It acknowledges the place of the victim in the judicial system, and the offender's responsibility to him, and the need for access to welfare, health, counselling and legal services. Provision is made for the Registrar of the Court before which the prosecution will be heard to advise victims of the date, time and place of the hearing, the charge and a summary of the procedure which will be followed. Similar information is to be supplied in the event of an appeal. It provides for a "Victim Impact Report" to be supplied by a Probation Officer who interviews the victim and reports on the victim's financial position, any loss or injury, or pain and suffering sustained as a result of the offence, and the victim's views of the offender and the appropriate sentence. It gives the victim the right to make written submissions to Parole Boards, and in the event of an offender escaping, the victim is to be informed. At least a month before an offender is to be released or appear before a Parole Board, the victim is to be given notice of the fact and of his right to make written submissions to the Board.

(The balance of the Bill deals with the establishment of a Victims Rights Committee with a membership of the Secretary for Justice, representatives of the Law Society, Police Department and Probation Officers Association and three members of the public appointed by the Governor General; and a fund to be established called the "Victims Assistance Fund" financed by a surcharge on the convicted offender at the rate of 10% of the value of any fine imposed. Where no fine is imposed, the surcharge is fixed at \$25 or such greater sum as shall be ordered by the Court.

The Bill then specifies the purposes for which grants may be made from the fund and these include compensation to victims, specific programmes to give effect to the objects of the Act or to groups carrying out specified services, such as assisting in obtaining medical or counselling aid, services for elderly victims and the like).

Matters raised in the submissions concerning the victim's participation in the judicial process, and not dealt with by the Bill (which we support in principle) are participation in bail hearings, and the independent right of the victim to initiate an appeal against inadequacy of sentence.

We *recommend* that in cases where bail is sought following charges of sexual violation or assault, particularly where the assault occurred in the domestic scene, the victim should be given the opportunity to advance any special reasons why bail would be inappropriate, such views to be given through the Police Officer or solicitor appearing for the prosecution. Beyond that, and provided the Victims Rights Bill is passed in substantially its present form, we see no scope for victims to participate further, either directly or indirectly, in the judicial process as presently constituted. To allow an independent right of appeal by victims would be a fundamental departure from the principles of our traditional system of criminal justice which we could not support.

VICTIMS' NEEDS

Emotional and Psychological

Overseas, Victim Support Groups have developed initially at the local level and only after some years have national organisations been formed. This is also true of Women's Refuges and Rape Crisis Centres in New Zealand, and indeed the only study in this country to our knowledge, that has asked victims what their needs are, is the Rape Study.

This, of course, focused on the particular problems which face rape victims. Whilst the knowledge gained in that study was specifically directed it is not unreasonable to assume that victims of other serious crime may have very similar concerns and needs. However, in the absence of further information on victims' needs in New Zealand, it is difficult to determine whether existing services are meeting all or even most needs.

The Justice Department has recommended that relevant Government agencies and community groups should meet to discuss how best the needed services may be provided and this Committee **recommends** the adoption of that submission.

Financial Loss

A number of submissions were received concerning reparation for property loss or damage suffered by victims, but we do not regard this issue as coming within our terms of reference as extended to victims. Our concern is the need for compensation as the result of personal violence.

The New Zealand health care system adequately provides medical treatment, and the Accident Compensation Act 1972 provides for compensation to all who suffer personal injury by accident (including criminal activity). The main types of compensation available under the Act are:

- compensation for loss of earnings, payable at the rate of 80% of the person's normal average weekly earnings at the time of the accident and subject to a maximum payment of \$600 a week;
- reasonable cost of medical treatment;
- reasonable cost of transport to doctor or hospital for initial treatment;
- reasonable cost of transport and accommodation for further medical or rehabilitative treatment;
- payment for the reasonable cost of necessary constant personal attention to the person following the accident;
- rehabilitation and retraining assistance;
- lump sum for permanent physical disability;
- lump sum for pain and suffering, disfigurement and loss of enjoyment of life;
- lump sums to dependent spouse and dependent children in the event of death as a result of an accident;
- possible compensation to a family member for loss of services through injury or death by accident;
- payment to dependants for loss of support due to reduction of superannuation, pension or such like, as a result of death by accident;
- actual and reasonable expenses incurred by anybody helping the person after the accident.

It is not necessary in order to claim compensation, for the victim to have reported the crime to the Police.

The main complaint emerging from the submissions was that few victims realise that compensation is available under the Act, and this was borne out by the Rape Study where no victim had received compensation. If the Police brochure, already referred to, is brought into common use, that problem will be overcome. We do, however, **recommend** that in each A.C.C. Office, one person be appointed as a Victim Liaison Officer who can bring to the task the additional sympathy, care and understanding that such claimants require.

The Dimension of Risk

The likelihood of becoming a victim of a criminal offence, and particularly of violent crimes such as sexual violation, assault or robbery, is a matter of considerable concern to many people, and may even lead them to modify their daily activities in ways that are unjustified and unnecessary. Research has been done overseas on the dimensions of the risk which tends to show that the public's fears are exaggerated. A similar study is planned in New Zealand by the Institute of Criminology in Wellington and we **recommend** that the Justice Department support that study.

STATISTICS

The following statistics have been extracted from a particularly helpful submission presented by the Justice Department. The statistical content of the submission is much more comprehensive than is produced here, running to some 140 pages. Space precludes its reproduction in full.

"The data on which the statistics in this section are based were drawn, in the first instance, from the Wanganui Computer records of all charges dealt with by the Courts where a conviction was entered or the charge was otherwise considered to be proven. Secondly, because the records held on computer are accurate only for 1979 onwards, data on offending in earlier years were extracted from "Justice Statistics", the annual publications of the Department of Statistics. When using this earlier data, it was only possible to extract information on the number of proven charges for each type of violent crime, while a more detailed analysis was possible using the computer records for 1979 onwards, including some demographic and sentencing information.

When preparing these statistics, it was originally intended to use and extend the statistics provided to the Select Committee on Violent Offending (1979). (Those statistics were published in Appendix D of the report of that Committee). It has been found, however, that there were inadequacies in the statistics provided to the earlier Committee and it has been necessary, therefore, to re-calculate them.

The statistics presented here include only proven charges of offending. The incidence of various type of offence listed here will be less than the actual level of crime in the community. The level of proven offences in any given year might reflect not only the number of crimes committed, but also the proportion of such crimes detected by, or reported to, the Police.

The violent crimes dealt with include only those offences which always involve either a direct act of violence against another person or the threat of such an act. The offences are as follows:

- murder;
- manslaughter;
- infanticide;
- all forms of non-accidental injuring and wounding;
- all other forms of assault;
- robbery and aggravated robbery;
- rape and attempted rape;
- kidnapping and abduction;
- threats, and demanding with menaces; and
- cruelty to a child."

Proven Charges of Violent and Non-Violent Offending 1960 to 1985

Year	Violent Offending		Non-Violent Offending		Total
	Number	%	Number	%	
1960	1,215	2.7	43,869	97.3	45,084
1961	1,349	2.9	44,961	97.1	46,310
1962	1,547	3.2	46,854	96.8	48,401
1963	1,640	3.3	48,677	96.7	50,317
1964	1,742	3.4	49,240	96.6	50,982
1965	1,818	3.5	50,655	96.5	52,473

Year	Violent Offending		Non-Violent Offending		Total
	Number	%	Number	%	
1966	2,295	4.0	54,683	96.0	56,978
1967	2,583	4.1	60,758	95.9	63,341
1968	2,943	4.2	67,665	95.8	70,608
1969	3,023	4.1	70,053	95.9	73,076
1970	3,410	4.4	74,876	95.6	78,286
1971	4,190	4.7	84,302	95.3	88,492
1972	4,532	4.9	88,565	95.1	93,097
1973	5,176	5.4	91,536	94.6	96,712
1974	5,188	5.1	97,255	94.9	102,443
1975	5,519	5.0	104,156	95.0	109,675
1976	5,319	4.5	112,767	95.5	118,086
1977	6,830	6.0	106,798	94.0	113,628
1978	6,632	6.0	103,460	94.0	110,092
1979	6,028	5.1	113,180	94.9	119,208
1980	6,435	5.3	114,720	94.7	121,155
1981	6,663	5.5	114,480	94.5	121,143
1982	7,121	5.4	125,951	94.6	133,072
1983	7,374	5.8	120,455	94.2	127,829
1984	8,323	6.1	127,777	93.9	136,100
1985	8,609	6.2	130,991	93.8	139,600

Actual and Inflation-Adjusted Spending on the Criminal Justice System and on the Police

Year	Police		Criminal Justice System	
	Actual (\$000)	Inflation-adjusted (\$000)	Actual (\$000)	Inflation-adjusted (\$000)
1971	18,811	17,063	11,974	10,861
1972	23,139	19,361	14,687	12,289
1973	26,249	20,696	22,223	17,522
1974	34,233	24,452	24,663	17,616
1975	42,671	26,999	31,075	19,662
1976	52,357	28,245	37,183	20,059
1977	56,908	27,005	44,128	20,940
1978	73,983	30,639	54,658	22,636
1979	94,169	35,292	65,614	24,590
1980	110,797	35,106	77,276	24,485
1981	139,400	38,307	93,094	25,582
1982	169,374	40,187	105,088	24,934
1983	181,223	38,182	119,958	25,274
1984	185,703	37,804	124,320	25,308
1985	196,978	35,359	137,998	24,772

*Average Annual Numbers of Proven Murder Charges
Five Yearly Periods*

Yearly Average	
1960—1964	2.8
1965—1969	3.4
1970—1974	6.8
1975—1979	15.2
1980—1984	14.6

*Average Annual Number of Proven Manslaughter Charges
Five Yearly Periods*

	Yearly Average			
1960—1964	5.8
1965—1969	8.4
1970—1974	10.2
1975—1979	17.4
1980—1984	26.6

Proven Serious Assault Charges 1960 to 1985

Year	Number of Serious Assaults				Year	Number of Serious Assaults			
1960	69	1973	..	..	..	280
1961	94	1974	..	..	..	361
1962	66	1975	..	..	..	446
1963	67	1976	..	..	..	536
1964	68	1977	..	..	..	559
1965	69	1978	..	..	..	580
1966	93	1979	..	..	..	523
1967	75	1980	..	..	..	529
1968	111	1981	..	..	..	506
1969	115	1982	..	..	..	558
1970	136	1983	..	..	..	530
1971	162	1984	..	..	..	680
1972	215	1985	..	..	..	690

Proven Charges of Rape and Attempted Rape Combined 1960 to 1985

Year	Number of Offences				Year	Number of Offences			
1960	29	1973	..	..	..	49
1961	62	1974	..	..	..	90
1962	29	1975	..	..	..	91
1963	28	1976	..	..	..	108
1964	15	1977	..	..	..	73
1965	23	1978	..	..	..	102
1966	29	1979	..	..	..	80
1967	35	1980	..	..	..	93
1968	32	1981	..	..	..	77
1969	31	1982	..	..	..	103
1970	26	1983	..	..	..	87
1971	33	1984	..	..	..	139
1972	40	1985	..	..	..	140

Increases in Proven Violent Offending, Individual Categories

		Increase since 1960	Increase over the last 20 years	Increase over the last 10 years
		%	%	%
Murder	..	—	421	115
Manslaughter	..	—	359	234
Serious Assaults	..	900	642	29
Less Serious Assaults	..	516	175	43

				Increase since 1960 %	Increase over the last 20 years %	Increase over the last 10 years %
Aggravated Robbery	..	..	..	—	2954	174
Robbery	..	..	..	—	2558	226
Rape plus Attempted Rape	..	..	..	—	347	55
All Violent Offending	..	..	..	1007	224	49

*Custodial and Non-Custodial Sentences
All Proven Violent Offences
1979 to 1985*

Year				Custodial Sentence		Non-Custodial Sentence	
				Number	%	Number	%
1979	..	..	..	1,369	21	5,068	79
1980	..	..	..	1,458	21	5,630	79
1981	..	..	..	1,477	19	6,099	81
1982	..	..	..	1,665	20	6,462	80
1983	..	..	..	1,846	22	6,541	78
1984	..	..	..	2,045	22	7,412	78
1985	..	..	..	2,090	21	7,680	79

*Custodial Sentences and Average Prison Sentence Length in 1985 for Proven Violent
Offences by Offence Type*

Offence				Proven Charges Given a Custodial Sentence as a % of all Proven		Average Prison Sentence Length (Months)
				Number of Custodial Sentences	Charges for Each Offence %	
Murder	..	..	..	17	100	Life
Rape	..	..	..	93	94	57.3
Manslaughter	..	..	..	16	76	57.1
Attempted Murder	..	..	..	5	100	40.7
Aggravated Robbery	..	..	..	181	68	31.4
Kidnapping	..	..	..	35	83	28.4
Attempted Rape	..	..	..	35	92	28.3
Injuring and Wounding	..	..	..	118	64	20.4
Robbery with Violence	..	..	..	25	52	14.7
Robbery	..	..	..	73	47	13.6
Assault with Intent	..	..	..	170	44	8.8
Aggravated Assault	..	..	..	66	54	8.3
Common Assault (Crimes Act)	..	..	..	196	23	4.9
Other Assault	..	..	..	722	13	3.7

Average Prison Sentence Lengths for Rape 1979 to 1985

Year				Average Sentence Length (Months)
1979	..	..	..	51.7
1980	..	..	..	48.6

Year					Average Sentence Length (Months)
1981	..	..	..	..	53.3
1982	..	..	..	..	51.6
1983	..	..	..	..	53.2
1984	..	..	..	..	50.0
1985	..	..	..	..	57.3

Custodial Sentences for Proven Charges of Robbery 1979 to 1985

Year					Custodial Number	%	Non-Custodial Number	%
1979	..	..	..	..	46	67	23	33
1980	..	..	..	..	49	54	42	46
1981	..	..	..	..	56	54	47	46
1982	..	..	..	..	69	61	44	39
1983	..	..	..	..	80	62	50	38
1984	..	..	..	..	67	42	92	58
1985	..	..	..	..	73	47	82	53

Custodial Sentences for Proven Charges of Aggravated Robbery 1979 to 1985

Year					Custodial Number	%	Non-Custodial Number	%
1979	..	..	..	..	179	82	17	18
1980	..	..	..	..	109	83	22	17
1981	..	..	..	..	133	81	32	19
1982	..	..	..	..	122	90	14	10
1983	..	..	..	..	158	75	52	25
1984	..	..	..	..	173	75	59	25
1985	..	..	..	..	181	68	86	32

Average Prison Sentence Lengths for Robbery 1979 to 1985

Year					Average Sentence Length (Months)
1979	..	..	..	..	16.3
1980	..	..	..	..	16.8
1981	..	..	..	..	12.7
1982	..	..	..	..	11.5
1983	..	..	..	..	16.0
1984	..	..	..	..	11.6
1985	..	..	..	..	13.6

Average Prison Sentence Lengths for Aggravated Robbery 1979 to 1985

Year					Average Sentence Length (Months)
1979	..	..	..	..	36.2
1980	..	..	..	..	34.1
1981	..	..	..	..	36.1

Year					Average Sentence Length (Months)
1982	..	..	..	..	30.6
1983	..	..	..	..	28.6
1984	..	..	..	..	29.1
1985	..	..	..	..	31.4

Average Prison Sentence Lengths for Aggravated Assaults 1979 to 1985

Year					Average Sentence Length (Months)
1979	..	..	..	..	12.9
1980	..	..	..	..	9.6
1981	..	..	..	..	12.6
1982	..	..	..	..	10.6
1983	..	..	..	..	10.6
1984	..	..	..	..	10.1
1985	..	..	..	..	8.3

Average Prison Sentence Lengths for Common Assaults 1979 to 1985

Year					Average Sentence Length (Months)
1979	..	..	..	..	5.3
1980	..	..	..	..	4.8
1981	..	..	..	..	5.0
1982	..	..	..	..	4.4
1983	..	..	..	..	4.6
1984	..	..	..	..	4.8
1985	..	..	..	..	4.9

The Sex of Violent Offenders

Year					Male		Female	
					Number	%	Number	%
1979	..	..	..	..	3,299	93	235	7
1980	..	..	..	..	3,458	91	362	9
1981	..	..	..	..	3,634	91	353	9
1982	..	..	..	..	4,042	92	373	8
1983	..	..	..	..	4,201	91	427	9
1984	..	..	..	..	4,686	92	429	8
1985	..	..	..	..	4,722	90	508	10

The Age of Proven Violent Offenders 1979 to 1985

Year	Age Group													
	15-19		20-24		25-29		30-34		35-39		40+			
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
1979	1055	28	1181	31	676	18	342	9	227	6	331	9
1980	1159	29	1113	28	722	18	394	10	223	6	322	8
1981	1155	28	1244	30	722	17	410	10	255	6	289	7

Year	15-19		20-24		25-29		30-34		35-39		40+	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1982	1225	28	1345	31	729	17	432	10	272	6	341	7
1983	1308	28	1342	29	799	17	457	10	294	6	359	8
1984	1440	28	1533	30	854	17	541	11	322	6	381	7
1985	1409	27	1536	29	900	17	571	11	343	7	395	8

Domestic Disputes Attended by the Police

Year	Number				
1979	15,221
1980	15,339
1981	17,734
1982	17,465
1983	16,998
1984	17,646

Domestic Violence in New Zealand

Very little information is available on the incidence of domestic violence in New Zealand. What information there is, comes from New Zealand Police Annual Reports, Justice Statistics and from research. This lack of full and accurate information partly reflects the pressures which inhibit reporting of domestic violence. (See Home and Family section of this report).

**ORGANISATIONS AND PERSONS WHO MADE
WRITTEN SUBMISSIONS TO THE COMMITTEE**

(SUPPLEMENTED BY ORAL SUBMISSIONS
AT PUBLIC HEARINGS IN SOME CASES)

**AND ORGANISATIONS AND PERSONS WHO MADE
ORAL SUBMISSIONS ONLY**

Abrahams, W. K.
 Acorn Club
 Adams, R./A.
 Adamson, R.
 Aitken, B.
 Aitken, M.
 Akariri, B. R.
 Alcohol & Drug Centre, Christchurch
 Alcohol Liquor Advisory Council
 Alcohol Research Unit, Auckland University
 Alden, S. B.
 Alderton, D.
 Aldridge, L. G.
 Allan, C.
 Allard, P./J.
 Allchurch, B./J.
 Allen, I. M.
 Amery, C.
 Amnesty International N.Z.
 Amon, C. M. & Others
 Anderson, B. C./B. M.
 Anderson, F. V.
 Anderson, G. G.
 Anderson, L. E.
 Anderson, T. N. D.
 Anderson, V. E.
 Andrews, B.
 Anger & Violence Issues Group
 Anglican Diocesan World Development &
 Justice Committee
 Anonymous (20)
 Aorangi Women's Resource Centre
 Aotearoa Committee
 Applied Research Consultants
 Apton, A.
 Araiteuru United Nations International Year
 of Peace Komiti
 Archibald, J. M.
 Armour, H. P.
 Armstrong, K.
 Arps, A. J.
 Arthur, H. K.
 Arthur, R. J.
 Ashton, M.
 Ashton, P.
 Asmussen, J.
 Assn of Accredited Advertising Agencies of
 N.Z. Ltd
 Assn of Presbyterian Women (Nth Shore)

Assn of Presbyterian Women (Gore)
 Astley, L. M.
 Aston, H. B.
 Atkins, C.
 Atkinson, E. M.
 Atkinson, R.
 Auckland Committee on Racism &
 Discrimination
 Auckland Education Board
 Auckland Rape Crisis Centre
 Austin, D. S.
 Ayre, S./D.
 Bacon, C. J.
 Baguley, B.
 Baha'i Women's Committee
 Baker, G. E.
 Baker, J.
 Baker, W.
 Ballard, Dr K. D.
 Baptist Union of N.Z.
 Barber, R.
 Barcock, R. H.
 Barker, F. L.
 Barlow, H. F./J. E.
 Barran, A. H.
 Barrington, J.
 Bartle, C. M.
 Bass, M. & Another
 Batchelar, P. W.
 Bately, C.
 Bateman, D.
 Batson, J.
 Baugh, C.
 Baycroft, Dr C. M.
 Beattie, K.
 Beaven, Prof. D. W.
 Beer, R. A.
 Bellman, W. C.
 Bensemann, B. M.
 Benson, L.
 Bent, J.
 Berin, M.
 Berry, L. A.
 Bertaud, D.
 Bertram, J. B.
 Bibby, A.
 Bilkey, R. O.
 Billings, J. C.
 Bingham, G. C.

Birkinshaw, G.
 Bishop, A. L.
 Bishop, A. T. & Others
 Bishop, M.
 Blackdopp, M.
 Blake, E.
 Blake, G. A.
 Blampied, N. M.
 Blandford, H. R.
 Blay, M.
 Blenheim Men's Support Group
 Bliss, R./J.
 Bongenaar, R. M.
 Bonnett, C.
 Boorman, S.
 Boston, Dr G. H.
 Bowron, D. A./A. M.
 Boyd, J. B.
 Bracey, O.
 Bradbury, N. H.
 Bradford, Dr K. A.
 Braling, G. S.
 Brathwaite, P. A.
 Brazier, G. M.
 Brebner, D. B.
 Bremner, H.
 Brew, H.
 Brightwell, G.
 Broad, Dr C. L. & Others
 Broadcasting Corporation of N.Z.
 Broadhurst, N.
 Brodie, M.
 Brogan, B.
 Broom, R. W. R.
 Brown, G.
 Brown, K. L. J.
 Brown, W. F.
 Browne, R. F.
 Browning, E.
 Bruning, C.
 Brunt, A.
 Bryce, J. B.
 Buchanan, E.
 Buchanan, R.
 Buckland, J.
 Buddle, J. P.
 Buller Peace Group
 Buller Women's Refuge
 Burchett, J. A.

Burgess, M. J.
 Burgin, C.
 Burke, L. S.
 Burkett, V.
 Burlton, D. M.
 Burns, J. S.
 Burt, V. G.
 Butler, D. F.
 Butler, W. P.
 Cade, T. L.
 Caie, J. G.
 Calcutt, C./G.
 Calder, H.
 Calder, L.
 Caldwell, A. E.
 Caldwell, F.
 Calkin, R. A.
 Cameron, Dr K. C.
 Campbell E. S.
 Cannadine, S. & Others
 Canterbury Federation of Parent Teachers
 Associations
 Capamagian, A. W.
 Capill, D. B.
 Caro, C.
 Carpenter, V. A.
 Carson, M. J.
 Carter, E.
 Carter, G. G.
 Carter, G./H.
 Carter, M.
 Carter, R. E.
 Carter, S.
 Carter, S. G.
 Cartwright, D.
 Carver, B. W.
 Casey, S.
 Cassidy, C. N.
 Castlecliff Mothers Peace Group
 Catholic Commission for Evangelisation, Jus-
 tice & Development
 Catholic Social Services
 Chandler, M. & Others
 Chapple, Jean
 Chapple, Jefferson,
 Chapple, Jim
 Child & Family Service (Hutt & Wellington
 Branches)
 Chisholm, F.

Christoffels, P.
 Christchurch City Council
 Christchurch Ecumenical Prison Chaplains
 Team
 Christchurch Monthly Meeting Religious
 Society of Friends
 Christchurch Women's Refuge
 Christian Family Solo Parents' Support Group
 Christopherson, H. N. A.
 Church, Dr R. J.
 Church & Society Commission National
 Council of Churches
 Churches Education Commission
 Citizens Against Violence, Auckland
 Citizens Against Violence, Gisborne
 City of Waitemata
 Clark, A. J./G. L.
 Clarke, B. J.
 Clarke, F.
 Clarke, M.
 Clayton, T.
 Clearwater, P. & Another
 Clegg, G. B.
 Cleland, M. O.
 Co-op Development Forum Resources
 Coalition of Concerned Citizens
 Coastlands Shoppingtown Ltd
 Coate, P.
 Cobb, D. A.
 Coburn, J. E.
 Cockle, A.
 Coker, M.
 Coles, I. J.
 Combined Beneficiaries Union
 Comfort, E.
 Commission for Evangelisation
 Committee of Advertising Practice
 Committee of Rotary Club of Waipawa
 Community Health Care Services, ChCh
 Community Mental Health Service, ChCh
 Cook, W. M.
 Cookson, A. S.
 Cookson, D./D.
 Cooper, M. J.
 Coppins, B. D.
 Corbett, T. H.
 Corner, C./J.
 Cosgrove, C. A.
 Cosgrove, D.
 Cottle, W. F.
 Cotton, C. C.
 Council for Civil Liberties
 Counsell, K. C.
 Couper, R. J.
 Court, K.
 Cowley, J.
 Coyle, D.
 Crampton, D. E.
 Cranshaw, J. E.
 Cranshaw, M. A.
 Crawford, C. W.
 Crawford, D./I.
 Crawley, B. S.
 Creighton, C.
 Cresswell, R. M.
 Croker, B. H.
 Cropp, D. L.
 Cross, J. R.
 Crowe, J.
 Culverhouse, D.
 Cummin, J. E.
 Cunneen, M.
 Curtes, C.
 Dalgety, J. D.
 Dalziel, G. E.
 Daniell, J. I.
 Darker, D.
 Davidson, D. E.
 Davies, M. M.
 Davis M. W./B. M.
 Davis, P.
 Davison, E. C. M.
 Dawick, H.
 Dawson, J.
 Dawson, Rev. S.
 Day, R.
 De Jonge, A.
 De Lautour, M. H.
 De Martin, G./G.
 Deere, P. W.
 Department of Education
 Department of Internal Affairs
 Department of Justice
 Department of Social Welfare
 Desmond, P. G.
 De Zylva, E. R. A.
 Devlictes, C.
 Dibben, E.

Dickson, G. R./F. H.
 Dillon, E.
 Dixon, M.
 Dobbie, J.
 Donovan, B. J.
 Dowdle, D. J.
 Dowdle, G. C.
 Downs, A. T.
 Drayton, N.
 Du Faur, G.
 Duff, N.
 Duncan, R.
 Dunedin Girls Home
 Dunn, H. P.
 Dyer, G. W., QSM, JP
 Dyne, L. G.

 Earle, J. U.
 Easton, H.
 Easton, J.
 Ebbett, R. G.
 Eccles-Smith, Dr P. H.
 Eddington, G.
 Eden, S. I.
 Educational Standards Association
 Edwards, S. C.
 Eggleston, W. T.
 Eliassen, J. K.
 Ellingham, W. L.
 Ellis, M. E.
 Ellis, P. G.
 Elms, J. A.
 Elsmore, D.
 Elsmore, J.
 Elvey, H. B.
 Engelhard, C.
 Equal Parental Rights Society
 Evans, J. H.
 Evans, O. M.
 Evans-McLeod, B. E.
 Ewen, I. A. (Canterbury) Ltd
 Fairbrother, F. R.
 Family Life Education Council (Canterbury)
 Ltd
 Far North Alcohol & Drug Abuse Council
 Farrant, L. M.
 Fenton, P. M.
 Ferens, G. C.
 Ferguson, W.

 Fergusson, R. G.
 Ffewkes, O. M.
 Filer, G. A.
 Finlay, Dr M.
 Finn, I. M.
 Flashoff, R. E.
 Foley, K.
 Fontein, F.
 Fookes, R.
 Forbes, J.
 Forbes, J. B.
 Ford, B.
 Ford, C. J.
 Ford, D.
 Foreman, Dr P. A.
 Forsyth, A.
 Forsyth, C. I. H.
 Foster, C. E.
 Foster, R. E.
 Foster, Z.
 Fowler, T. E.
 France, K. M.
 France, M. I.
 Francis, A./A. P.
 Fraser, N.
 Frater, W./J.
 Freeman, J. G.
 Freitag, W.
 Frith, J. A. H.
 Fussell, C. I./S. A.
 Fyfe, D. A.

 Gallagher, J.
 Galloway, Rev. H.
 Garden, R. J. P.
 Geaney, J. C.
 George, D. M.
 George, M. H.
 Gibbons, R.
 Gibbons, R. S.
 Gibbs, M.
 Gibson, H. M.
 Gilberd, C.
 Gilberd, C. A.
 Gilbert, G.
 Gilliver, D. L.
 Gilmore, J./K.
 Gilmore, R.
 Gisborne Women's Centre & Rape Crisis
 Collectives

Glass, N.
 Glendorrán, K.
 Godfrey, M./A.
 Godward, R. B.
 Golden Bay Road Accident Prevention
 Group
 Goodall, L.
 Gore, A. H.
 Gore, G. L.
 Grace, B. G.
 Graham, A. D.
 Graham, E. B.
 Graham, P.
 Gratton, D.
 Gray, H. W.
 Gray, L.
 Gray, V.
 Green, B. A.
 Green, L. E.
 Greene, R.
 Greening, T. M./E. H.
 Gregory, K. B.
 Griffiths, E. M.
 Griffiths, J. H. M.
 Griffiths, P. R.
 Group Employment Liaison Schemes
 Group Opposed to Advertising Liquor
 Growse, P. H.
 Growth Thru Moderation Society
 Gunson, R. J.
 Gwilliam, A. H.
 Hager, B.
 Haines, H.
 Hall, L. & Another
 Hall, P.
 Hall, R. E.
 Halliday, R.
 Hamill, V.
 Hamilton, J. M.
 Hamilton, K./A.
 Hammonds, G./M.
 Hampton, P.
 Hancock & Co. Ltd
 Hansen, C. H.
 Hansen, G. A.
 Harang, K. A.
 Hargreaves, R./M.
 Harper, A. E.
 Harris, D. M.
 Harris, G.
 Harris, J. W.
 Harris, N. M.
 Harrison, F. H.
 Harrison, L.
 Harrow, P. R.
 Hartmont, H.
 Harwood, G. J.
 Haskell, Rev. C. W.
 Hasler, D. G.
 Hastie, A. T.
 Hawker, E. R.
 Hawkless, D.
 Hay, E. F.
 Hay, M. L.
 Hayden, M.
 Haythornthwaite, Dr R. J.
 Hemsby, S.
 Henderson, B. H.
 Henderson, J. Q.
 Henderson, S.
 Henri, B. J.
 Henry, C. R.
 Henry, F.
 Hepple, C. F.
 Herbert, L.
 Herniman, H. J.
 Herrold, R. H.
 Hewison, D.
 Hewland, Dr R.
 Hickey, C. M.
 Hicks, K. L.
 Higgs, L.
 Hill, J. M.
 Hobbs, M. J.
 Hodgson-Windsor, A. J.
 Hogan, J. P.
 Holborow, P. L.
 Holden, J.
 Holden, R.
 Holdstock, J. W./B.
 Holdsworth, Dr D. K./B. A.
 Hollis, P.
 Holloway, B.
 Holm, H.
 Holm, J. R.
 Holmes, R. A.
 Holthouse, P.
 Holton, T.

Hood, D. E.
 Hooker, C.
 Horner, A. D.
 Hosking, P. F./M. R.
 Hospital Boards Association of N.Z.
 Hotel Association of N.Z.
 Hotere, J.
 Hough, J.
 Howard, D./M.
 Howard, T. J. B., JP
 Howat, J. E.
 Howie, N. B.
 Humanist Society of N.Z. (Auckland)
 Humanist Society of N.Z. (Wellington)
 Hume, A.
 Humm, D.
 Hunn, J. K.
 Hunter, M.
 Hunter, R.
 Hurley, A.
 Hutchinson, P.
 Hutt Hospital, Social Work Dept
 Hutt Valley Family Violence Network
 Hutt Valley Memorial College
 Hutt Valley, Reading Recovery Group
 Hyland, F.
 Ingham, J. F.
 Initial Volco Trust
 Inner City Peace Group
 Insall, P. R.
 Integrity Centre
 International Council of Women
 Irvine, D. I.
 Isaacs, C.
 Ison, B.
 Ison, R. G.
 Jackson, A. B.
 Jackson, E.
 Jackson, J.
 Jackson, J. R. W.
 Jackson, M.
 Jackson, M. E.
 Jackson, R.
 Jackson, T.
 Jacob, F. A.
 James, D./J.
 Jamieson, Rev. D.
 Jansen, A.
 Jansen, M.
 Jardine, J. S.
 Jardine, M. E.
 Jarka, J. S.
 Jeffries, D.
 Jensen, J.
 Jewell, S.
 John, D.
 John McGlashan College
 Johnson, E.
 Johnson, E. E.
 Johnson, J. G. QSO
 Johnson, P. A.
 Johnson, S. P.
 Johnston, E. J.
 Johnston, J. B.
 Joint Methodist Presbyterian Public Questions Committee
 Jones, B. L.
 Jones, C. M.
 Jones, D.
 Jones, H. W. E.
 Jones, J. R.
 Jones, N., MP
 Kaiapoi High School
 Kampkes, M.
 Kane, J.
 Katikati Business & Professional Women's Club
 Kavanagh, R. J.
 Kawhia Community Council
 Kearsley, R. J.
 Keen, H. A.
 Keeton, P. G. C.
 Keith, A. S.
 Kelley, F. J.
 Kelly, A. F.
 Kelsey, J.
 Kennedy, D.
 Kennedy, W.
 Kerr, D.
 Keuekes, J. B.
 Kidd, L. W.
 Kilbirnie School
 King, M. K.
 King, R.
 King, R. A.
 King, R. S.
 Kinney, P. K.

Kirke, J.
Kirton, M.
Klarwill, P. E.
Knowles, B. J.
Knowles, G.
Kristensen, J. M.
Kuipers, A.
Labour Women's Council
Lamb, C.
Lane, Dr W. R.
Langham, N. D.
Langley, K. L./E. V.
Larsen, H. F./J.
Latimer, G. S.
Laugesen, B.
Lawrence, D. B.
Lawrence, J.
Le Grice, D. E./L. E.
Le Lieveld, C.
Leadership Institute of N.Z.
Leaf, J. M.
Leaf, L. O., JP
Leahy, H.
Leather, O.
Leeson, J. M.
Lenk, C. C.
Lennan, J.
Leonard, N. A.
Leslie, M. A.
Leslie Centre
Lethbridge, L.
Lewis, D.
Lewis, J. B.
Lilburn, B. P.
Linz
Lloyd, A. I.
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Locke, E.
Logan, L.
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Love, P.
Lovell-Smith, M. & Others
Low, E. W.
Low, P.
Lowe, K. D.
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Luckens, A. C.
Luketina, S.

Lye, G./J. & Others
Lynch, P. J.
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MacCaffrey, P./M.
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Marshall, The Hon Russell, MP
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Mayn, C.
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McArthur, D. & Another
McArthur, P.

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 McDermott, E. C.
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 McDonald, S. & Others
 McDonough, B.
 McDougall, R. J.
 McElrea, R. G.
 McErlane, L. M.
 McGill, A.
 McGirr, L. & Others
 McKay, J. W.
 McKenzie, C. & Another
 McKenzie, H. P.
 McKenzie, J.
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 McPherson, J.
 McQueen, E.
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 Men Against Pornography
 Men Against Violence (Napier)
 Men's Action Network (Waikato)
 Mental Health Foundation (Auckland)
 Mental Health Workers (Christchurch)
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 Millar, S.
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 Miller, Z. N.
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 Ministry of Women's Affairs
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 Mitchell, M. M.
 Mitchell, T.
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 Moore, W.
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 Morgan, A. M.
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 Moss, M.
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 Mothers Against Drunken Drivers
 Motueka High School
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 Movement for Alternatives to Prison
 Mt Eden Inmates Current Affairs Group
 Mt Eden Prison Inmates
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 Mullen, Prof. P. E.
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 Mushet, F. W.
 Napier Girls High School
 Napier Pilot City Project
 Napier Women's Refuge Inc.
 Narconon
 Nash, N. S.
 National Collective of Independent
 Women's Refuges Inc.
 National Council of Women (Auckland)
 National Council of Women of N.Z.
 National Organisation for Reform of Mari-
 juana Laws

National Organisation for Women
 National Youth Council
 Naylor, E.
 Neighbourhood Support Auckland
 Neighbourhood Support Christchurch
 Neil, D.
 Neil, R. D.
 Neilson, P.
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 Nelson, M. B.
 Nelson Action Committee on International
 Affairs
 Nelson Environment Centre
 Nelson Women's Refuge
 Nevin, C. M.
 New Brighton Peace Group
 New Plymouth Girls High School
 Newman, S. D./M. R.
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 Nicola, K.
 Niederer, E. A.
 Nielsen, J.
 Nilson, P.
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 Nixon, P. B.
 Noble, I. A./V. J.
 North, G./R.
 Northern Regional Women's Working Party
 Drug Use
 Northey, R.
 N.Z. Clean Air Society
 N.Z. Committee for Children (ChCh)
 N.Z. Committee for Children (Wgtn)
 N.Z. Federation of University Women
 N.Z. Foundation for Peace Studies
 N.Z. Free Kindergarten Teachers Assn
 N.Z. Howard League for Penal Reform
 N.Z. Humanist Society, Wellington
 N.Z. Labour Party (Cambridge)
 N.Z. Labour Party (Kaitaia)
 N.Z. Law Society
 N.Z. Liquor Industry Council
 N.Z. Playcentre Federation Inc.
 N.Z. Police
 N.Z. Prisoners Aid & Rehabilitation
 N.Z. Temperance Alliance
 N.Z. University Students Association

 O'Brien, M.
 O'Brien, Dr M.

 O'Brien, M. R.
 O'Brien, S.
 O'Connell, J.
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 O'Connor, B. M.
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 O'Hagan, K. F.
 O'Leary, P. J.
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 O'Shea, H.
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 Pacific Institute of Quakers, Wellington
 Resources Management
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 Institute
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 Penrose, P. & Others
 Perkins, J.
 Petterson, J. A.
 Phillips, A.
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 Play for Life, Wanganui
 Ploughshares Community
 Poananga, A.
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 Pollock, M. D.
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 Porirua Language Project Inc.
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 Purchas, Dr T. P. G.
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 Quakers, Mt Eden
 Quakers, Thames
 Quakers, Wanganui & Taranaki
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 Radcliffe, E. J.
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 Rangiora High School Committee
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 Ratana, J.
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 Royds, H. G.
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 St Johns Women's Fellowship
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 Scott, J. P.
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 Shaw, S.
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 Shirtliff, N. V.
 Shore Alcohol & Drug Abuse Network Inc
 Shorten, M. E.
 Shuter, I. S.
 Sibly, B.
 Simes, M.
 Simons, D. J.
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 Simpson, A./M.
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 Smith, L.
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 Social Concerns Committee (Remuera Methodist Church)
 Society for Prevention of Cruelty to Animals
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 Society for Protection of the Unborn Child
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 South Canterbury Women's Refuge Inc.
 Southorn, P. J. H.
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 Stafford, D.
 Stanaway, L.
 Stantiall, R. C.
 Stanton, G. B.
 Steel, J.
 Stephens, A. L.
 Stern, J.
 Stevenson, M.
 Stewart, G. L.
 Stewart, J. & Others
 Stocker, D.
 Stocker, J. R./E.
 Stocks, G. R.
 Stockwell, M. J./A. M.
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 Student & Teachers Organisation for Peace Education, Auckland
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 Sullivan, M., JP
 Sumner Peace Group

Sumner, T.
 Sumpter, P.
 Sundberg, O.
 Sutherland, M.
 Sutter, L. M.
 Swallow, F. W.
 Swallow, R.
 Sykes, W. R.
 Symington, F.
 Tait, D.
 Tait, L. R.
 Tangiora, K./P.
 Tapper, C. M.
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 Tauranga Men's Action Collective
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 Taylor, A./P.
 Taylor, G. K.
 Taylor, J.
 Taylor, L. R.
 Taylor, S. C.
 Taylor, W. A.
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 Teller, J. C.
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 Thompson, H. W.
 Thompson, I.
 Thompson, J.
 Thompson, Jean
 Thompson, N.
 Thompson, P. A.
 Thomson, B. J.
 Thomson, D. F.
 Thomson, G.
 Thomson, W.
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 Thorpe, T.
 Tibbits, S.
 Timms, E. M.
 Tindall, N.
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 Todd, R. & Another
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 Tomlinson, P. R.
 Topp, J. D.
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 Transition Tutors Association
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 Tuck, E. S.
 Tucker, P. B. & Others
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 Turner, G.
 Turner, J. P.
 Turner-Robinson, T. M.
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 United Nations International Year of Peace
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 Violent Offences Bill, Justice & Law Reform
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 Wairoa Law & Order Tribunal
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 Walker, W. H.

Wall, W.
 Wallace, J. R.
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 Wand
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 Waters, J. M.
 Watson, S.
 Weatherston, J./S.
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 Wellington Hyperactivity & Allergy Association Inc.
 Wellington Inner City Ministry
 Wellington Men for Non-Violence
 Wellington Teachers College
 Wells, I.
 West, C.
 West Christchurch Women's Refuge
 Westerbeke, M. A.
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 Whakatohea Maori Trust Board
 Whangarei Women's Refuge
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 Wheeler, D.
 Wheeler, R.
 White, C. D.
 White, J.
 White, M.
 White, R. E.
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 Wilkins, C. J.
 Wilkins, J./E.
 Wilkins, R. M.
 Wilkinson, R. & Others
 Wilkinson, R. D.
 Williams, F. E. E.
 Williams, O.
 Williams, P. A.
 Williams, P. W. G.
 Williams, T. H.
 Wilson, B.
 Wilson, C. R.
 Wiltshire, J.
 Winch, R. F./M. M.
 Winter, L.
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 Women Against Pornography, Nelson
 Women for Life, Hawkes Bay
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 Women's Electoral Lobby, Motueka
 Women's Electoral Lobby, Taupo
 Women's International League for Peace and Freedom (Auckland)
 Women's International League for Peace and Freedom (Wellington)
 Women's Refuge Auckland Inc.
 Women's Refuge Trust Inc.
 Women's Studies Association
 Women's Support Centre Inc.
 Wood, D.
 Wood, J.
 Wood, K.
 Woodger, E.
 Woodham, S. J.
 Woolnough, Dr J.
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 Wyatt, C. N.
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Bright, I. R.
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Williams, B. K.
Wilson, D. B., District Court Judge

NOTES