

COMMENTARY AND ANALYSIS

Editors' Note

While this section always covers a wide array of topics, it has this year a particular focus on the problems that arise when Parliament passes legislation under urgency, thus side-stepping the democratic process with its concomitant checks and balances. This has serious implications for the general public, especially when the changes to the law relate to important areas, such as continuing reform of the electricity industry, authorisation of parallel importing and various amendments to crimes related legislation. Concerns about the democratic process are also apparent in the international arena.

There have been a number of new developments in the area of criminal law, which are canvassed in a legislation note and several book reviews. Two of these books are theoretically competing for the student audience, and thus have been reviewed side by side.

*Dhilum Gooneratne
Miriam Morrison*

UPDATES

The Puriri Foundation for Women Offenders and their Children - A New Penal Alternative¹

Women sentenced to imprisonment of a year or more are currently sent to Arohata Prison in Wellington and the Christchurch Women's Prison. This often results in the traumatic separation of mothers from their children with devastating effects. The Puriri Foundation for women offenders envisages "half-way house" style accommodation for convicted mothers, housing seven women and their children aged up to ten years. Since the publication of this paper in 1996, there has been mixed progress in implementing this unique project. The Board overseeing the project has developed a portfolio outlining the proposal, which includes letters of support from professionals, academics, judges and respected members of the community.

¹ " The Puriri Foundation for Women Offenders and Their Children - a New Penal Alternative" was published in the 1996 edition of the Auckland University Law Review.

The long-term separation of female offenders from their children is a growing problem, as offences committed by women become more serious and more common. Over the past thirty years, research undertaken in New Zealand has consistently documented the destructive effects of the prison regime on mothers and the trauma suffered by their young children. Overseas studies on maternal separation show that the harmful effects of this trauma resonate through generations. The situation in New Zealand is exacerbated by the comparatively long distances family and whanau must travel to maintain contact. Such travel is well out of the reach of most families in this position. The situation is particularly acute in the Auckland region as the prison facilities are situated in Wellington and Christchurch.

The Puriri Foundation was incorporated as a charitable trust in January 1996 and made rapid progress following a grant from the New Zealand Lotteries Commission to fund a project co-ordinator, who arranged negotiations with the Department of Corrections offices in Auckland and Wellington. Significant progress was made in that year, and the then Minister of Justice, Doug Graham requested a report on the project from Auckland Corrections. The Auckland regional management at that time provided the Minister with a highly favourable report recommending funding for the project as a top priority. Unfortunately, shortly afterwards, the Justice portfolio was split, requiring the Trust to brief the new Minister of Corrections, Paul East QC, on the project. The political climate then altered again with the new MMP Coalition government, and a further ministerial change. In the meantime, the senior management of Auckland Corrections also changed and the Trust was faced with the cut in funding. Fortunately, negotiations continued with Wellington Corrections and in the period 1997-1998, the Trust provided full answers to departmental questions covering safety and security, staffing, costs, location, a draft programme and composition of residents.

A new issue facing the Trustees is the research currently being undertaken by Auckland Corrections on the desirability of building mother/child units within prisons. The Trust does not endorse this new policy direction, which replaces traumatic separation with traumatic bonding. It regards the detrimental effects of rearing children in this type of environment as counter-productive in the long-term rehabilitation of women offenders and the welfare of their children. However, it is understood that no decisions have been made and comparisons between the Puriri project, mother/child units and home detention will probably be made before Auckland Corrections makes any decision. The initial costings of the Foundation show that its programme would be more cost-effective than imprisoning a mother and placing her children with the Department of Social Welfare.

Despite wide-spread support and endorsement from personnel within the criminal justice system, an impasse has currently been reached as the Foundation is unable to resource the project co-ordinator to complete the detailed costings required by the Department in Wellington. Further political lobbying at both