CRIME PREVENTION AND SOCIAL JUSTICE ISSUES
– A NEW ZEALAND PERSPECTIVE

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Paper presented at the
Crime Prevention Conference
convened by the Australian Institute of Criminology and the
Crime Prevention Branch, Commonwealth Attorney-General's Department
and held in Sydney, 12-13 September 2002
On the 24th of August, a young New Zealander by the name of Bailey Junior (BJ) Kurariki was found guilty of the manslaughter of 40-year-old Michael Choy, a pizza delivery man. The case attracted a high profile because BJ was only 12 at the time that he and five other young people committed the offence.

In the days following the verdict, the New Zealand newspapers were filled with recriminations, as they so often are. It was noted that BJ had not been attending school for nearly a year prior to the attack. Opposition MPs called for a parliamentary inquiry into how BJ became a killer while in state care.1 One claim that received particular attention came from a policeman who had previously encountered BJ. The New Zealand Herald reported: 2

A policeman who tried to save New Zealand's youngest killer from a cycle of chronic offending says Child, Youth and Family Services failed the boy. … Senior Constable Len Johnson of Papakura believes that Kurariki, 12 when Mr Choy was attacked, would not have been there if social workers had followed through on plans for his care and rehabilitation. Kurariki's involvement in the killing was the "end result of CYF's failings", he said. Kurariki's family are also critical of the service, saying not enough was done to break his cycle of crime.

One interesting piece came from The Evening Standard. It commented in an editorial on the need for a focus on early intervention in the lives of young people before offending begins:

[T]here's always someone who's not surprised when young people like Kurariki or former Palmerston North girl Kararaina Te Rauna become violent and even kill. It might be government agencies who deal with at-risk families, or it might be schools that recognise the danger signs. … Youth offending] teams need to put their efforts in early, as soon as the smoke signals go up. Their emphasis should be on teen crime prevention rather than youth offending. 3

The paper was on the mark in commenting that there is always someone who is not surprised. Research has shown us that there are many obvious risk factors which point towards an increased likelihood of youth offending. It is these risk factors and the importance of addressing them that are the focus of this discussion today. From the perspective of the Youth Justice sector, we address social justice issues because of their potential to reduce and remove the risk factors.

In considering these issues today, I would like to look at the role of community in the lives of our young people. I would like to suggest that in focusing on crime prevention, we must think about the need for our communities to comprehensively support and sustain our young people as they grow and develop. As a community we must confront the problems our youth face, and offer solutions to those problems. In doing so we are able to eliminate some of the poor consequences those problems have for our youth.

As one aspect of our discussion today, I would like to focus on the importance of family based initiatives. The Pathways to Prevention report produced under Australia’s National Crime Prevention initiative commented on the importance of family based prevention states:4

Family risk factors have a major effect on crime. Family based prevention can directly address those risk factors, with substantial success. The more risk factors they address, perhaps, the better. The earlier they start life, it seems, the better. Programs for infants and young children

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may be most cost effective in the long run, even if they are expensive in the short run. Combining home visiting with preschool education reduces crime committed by children when they grow up. Rigorously evaluated pilot projects with tightly controlled prevention services are consistently effective. Family problems later in life are more difficult to address, especially family violence by adults. But it is still possible. The potential of early, adolescent and adult family based crime prevention is held back only by our failure to invest in more research and development. The need for testing programs that work on a large scale is particularly great.

Communities are where young people and their families live. It is from their communities that the lives of our young people are shaped. This realisation, I hope, will lead us to consider practical ways in which the community can and must be engaged in the delivery of services that will help reduce levels of youth offending (and overall crime levels), and provide for the mental health, education and overall well-being of our youth.

The New Zealand Ministry of Social Development has commented:\(^5\)

Good outcomes for children depend on the quality of care they receive, the investment by parents in their development, the quality of community support and the quality of government services such as education and health.

This fact has special relevance for crime prevention. To produce good outcomes for our children and provide for their well being, we as their communities and families must be involved in the delivery of services and in addressing issues relating to youth offending. In this way, we as their communities can support and sustain young people as they grow and develop.

In addressing this topic of crime prevention and social justice, I would like to examine interventions which address social justice issues arising both early in life and early in the ‘pathway’ into criminal offending.

**Facts and Statistics**

In the 2001 census, 80.0% of the usually resident population of New Zealand identified themselves as European. This represents a decline of 3.2% from the 1991 census. Those identifying themselves as Mäori rose from 13.0% to 14.7% over the same period. People of the Pacific Island origin now comprise 6.5 percent of the New Zealand population. This represents a rise of 1.5% from 5.0% in 1991. People of Asian origin now make up 6.6% of the New Zealand population, up from 3.0% in 1991. A further 0.7% of the New Zealand population identify themselves as belonging to 'Other' ethnic groups, which include Arabs, Iranians, Somalis and Latin Americans. This figure rose from 0.2% of the total population in 1991.\(^6\)

Demographic predictions indicate there will be a continuing increase in Maori and Pacific Island populations and a contrasting decrease in the European population as it ages and the birth rate declines.

The divorce rate in New Zealand is currently at 12.3 divorces per 1,000 existing marriages. 27% of dependent children in New Zealand live with just one of their parents. 23% live in mother-only families, and 4% live in father-only families.\(^7\)

**Education**

In 2000, 64 percent of school leavers left school with at least Sixth Form Certificate. After increasing in the late 1980s, this proportion has changed little over the decade to 2000.

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\(^5\) Ministry of Social Policy [as it then was], *Post-Election Briefing Papers 1999*, 34.


On average, male students, Maori and Pacific students, and those from schools that draw their students from low socio-economic communities are less likely than other students to leave school with higher qualifications. In 2001, 54% of Asian students, 30% of European students, 10% of Pacific Island students and 7% of Maori left school with entrance to University or a higher level qualification. Conversely, more rangitahi Maori (33%) and young Pacific people (25%) left school with no qualifications than any other ethnic group.

Although schooling is compulsory from age 6 to age 16, the Ministerial Taskforce on Youth Offending, which was established in 2000 to address concerns about youth offending in New Zealand, heard concerns about the number of young people not enrolled in school.

Social Services

The basic aim of social policy in New Zealand is to ensure a minimum standard of living to all families with children. However, there has been significant change in the provision of social services over the last 10 to 15 years involving the devolution of service provision to non-governmental organisations. Overall, state spending on families has declined since 1986. Some commentators have argued that this has led to fragmented and inadequate systems for the support of the most needy, reduced support for low-income families and reduced accessibility of services for children and young people in need of them.

Statistics for Maori

Between 1986 and 1991, the proportion of dependent children living with one parent rose from 16% to 21% overall, but from 28% to 39% for Maori children … In the decade to 2001, this upward trend continued but at a slower rate, bringing the proportion of children living with one parent to 44 percent for Maori children.

Connections

To a certain extent, all children and young people are at risk of poor outcomes in their lives. This fact is recognised in many of the policies governments adopt. For example, the New Zealand policy of providing free health care to all under six year old children is aimed at reducing the risks associated with poor health during those crucial formative years. Similarly, the provision of free education to all children is a vital part of reducing the risk of poor outcomes for children and young people. Failure to give children basic skills such as numeracy and literacy has a serious impact on their potential outcome.

In recent years, there has been considerable research into disadvantages and risk factors that give rise to poor outcomes for children. Disadvantages associated with poor outcomes for children include: mental health problems; persistent low income; persistent unemployment; poor parental educational attainment; poor housing in poor neighbourhoods; dysfunctional family relationships (including family violence); poor health, including maternal mental health status; frequent changes in family structure; and frequent residential moves.
One longitudinal study carried out in Christchurch in 1992, which identified background factors that have negative consequences for children, showed a broad pattern of family disadvantage characterised by young and uneducated parents who have few skills and supports, impoverished home circumstances, limited childhood opportunities, and a failure of supervision and nurturance.\footnote{15}

The number of children and families that are currently at risk of poor outcomes is a major concern in New Zealand. The Ministry of Social Policy has commented:\footnote{16}

Research suggests that approximately 25,000 families (5 per cent) are at high risk of being caught in a cycle of entrenched disadvantage. These families experience a range of adverse circumstances, which may include persistent low income, family disruption, poor parental health and educational achievement, and poor housing. … A further 45 per cent of families are in situations where some of these risk factors are present. For these families the experience of unforeseen events such as serious illness, separation, or unemployment may be enough to push them into a position of entrenched disadvantage.

The combination of factors disadvantaging these families dramatically increases the likelihood of poor outcomes, including youth offending, for the children of these families. Promoting and facilitating the health and well-being of children is not only critical to their healthy development and socialisation, but fundamental to the prevention of such poor outcomes.

A clear link has been identified, according to the Ministry of Social Policy in New Zealand, between persistent youth offending and social disadvantage:\footnote{17}

While some offending behaviour is widespread amongst young people, the most serious and persistent offending is confined to small groups who often come from the most disadvantaged and disrupted families. Moreover, these groups are often associated with particular neighbourhoods or communities.

A great deal of effort has gone into determining factors increasing the likelihood of criminal offending by our youth. The research consistently points to the presence of social deprivation and disadvantage in the lives of young offenders.\footnote{18} Factors that make youth offending more likely include:\footnote{19}

1. Having few social ties, mixing with antisocial peers and showing aggressiveness.
2. Having family problems such as neglect or a poor relationship with parents.
3. Having problems at school such as academic failure and truancy.
5. Abusing drugs and alcohol.
6. Living in a neighbourhood that is poor, disorganised, with high rates of crime and violence, in overcrowded
7. Experiencing barriers to the treatment of these problems.

Roughly speaking, these common factors can be divided into four areas of a young person’s life. These are their family, their school, their peer group and their neighbourhood.\footnote{20}

\footnote{15} Gabrielle Maxwell and Alison Morris, supra, 203.
\footnote{16} Ministry of Social Policy, supra, 36.
\footnote{17} Ministry of Social Policy, supra, 35.
\footnote{18} Gabrielle Maxwell and Alison Morris, supra, 202.
\footnote{19} Kaye L McLaren Tough is not Enough – Getting Smart about Youth Crime (Ministry of Youth Affairs, Wellington, 2000) 10.
\footnote{20} Kaye L McLaren, ibid, 12.
The Family

It is crucial that we continue to develop interventions that focus on improving outcomes for children and their families across these four areas:

Among the strongest predictors of youth offending are inadequate or inappropriate parenting, child abuse and neglect, early childhood cognitive or behaviour problems, and family poverty. It is vital that these key risk factors are addressed early to prevent them from accumulating and interacting cumulatively, and to inhibit a child’s progression towards offending and other poor outcomes. Protective factors, such as developing positive relationships in childhood, also need to be supported and reinforced.  

Failure to intervene to help disadvantaged families creates social and economic costs to the community, such as increases in youth offending.

In New Zealand, the recent Ministerial Taskforce on Youth Offending which I chaired considered the effects on the development of our children and young people of early experiences:  

The Taskforce found that:

… the long term effect of child abuse and neglect (including an increased risk of criminality), and the impact of socioeconomic disadvantage on health, literacy and numeracy, are well documented. There is also a growing amount of research on the role that positive circumstances in childhood (such as family stability and good parenting) can play in building strengths and resilience.

Accordingly, as the Taskforce’s Youth Offending Strategy states:  

The benefits of intervening early in life in order to promote positive outcomes for children and young people are increasingly recognised. There is established evidence from a wide range of sources which demonstrates that the first few years of a child’s life and the environment in which he or she spends those years, are crucial to the social, economic, educational and health outcomes experienced by that child later in life.

There are a number of key differences between the families of offenders and non-offenders. Many of these differences are not surprising. Families of offenders tend to have more parental disagreements. They give conflicting directions to children. They are dominated by negative, rather than positive, emotional expression, and exhibit negative parenting patterns such as excessive discipline and little positive involvement with children. They treat behaviour inconsistently, responding differently to the same behaviour at different times.

Therefore, it has been encouraging in New Zealand to see more time and energy vested in addressing the needs of at risk families. Helping socially disadvantaged families before specific problems arise must be a key focus of attempts to reduce youth offending.

Currently in New Zealand there are a wide range of programmes in the health and education sectors that provide support for families and whānau with young children, including those who are experiencing multiple disadvantages. These programmes include the provision of health, education and welfare services; life skills development; home visiting; parenting skills; support for the personal development of parents; and adult education, training and job assistance.

22 Ministry of Justice, ibid, 16.
23 Ministry of Justice and Ministry of Social Development, supra, 15.
24 Kaye L McLaren, supra, 62.
25 Ministry of Justice, supra, 26.
As well as programmes focused on the family, there are also programmes focused on age-appropriate responses for healthy child development within the school, peer group and community contexts. These programmes aim to address the behavioural and cognitive problems of children, and focus or issues such as health, immunisation, and abuse prevention.\textsuperscript{26}

In aiming to reduce youth offending, it is important that we also address other problems such as poor health, poor school attendance, anti-social behaviour and/or failure at school, and lack of parental support. As well as the obvious and core benefits to the development of the child or youth, these interventions benefit the community by preventing offending.

**Schooling**

School-based interventions that use pro-social methods and behavioural approaches have an impact not only on school attendance, but also on other risk factors such as aggressiveness, bullying and drug use. Simply participating in school leads to improvements in a child or young person’s well being. It is a key part of reducing antisocial behaviour and offending. Accordingly, interventions that aim to keep children and young people within the educational system are vital.

For this reason the Ministry of Education has developed an overarching framework for children and young people at risk of educational underachievement. This includes early intervention strategies for families and whänau with children aged 0-5 years, a long-term plan for the early childhood sector, and an inter-agency review of Parent Support and Development Services.

**Health**

In a similar effort to target social disadvantage, the Ministry of Health is implementing the Primary Health Care Strategy which has a priority area of reducing barriers to health services and improved health. Currently in New Zealand there is an identified shortage of mental health services (and especially alcohol and drug programmes) for children and young people. “Such services are a focus of the Blueprint for Mental Health Services in New Zealand and a major workforce development strategy to increase and improve the quality of mental health workers.”\textsuperscript{27}

**Does Addressing Social Justice Issues Help Crime Prevention?**

One of the strongest suggestions to come from research is that to effectively intervene to prevent youth offending the risk factors associated with offending must be targeted and removed. Successful strategies to address poor long-term outcomes for children and young people are those that:\textsuperscript{28}

- Identifying at risk and high risk families;
- Ameliorate risk factors and build resilience in the child and their family;
- Are responsive and flexible in their delivery and not limited by agency or sector boundaries;
- Are provided as early as possible in the developmental pathway of the child or presenting problem.

Initiatives that adopt these strategies can be expected to have a positive impact on youth offending.

Effective identification and targeting of the range of care and protection issues which can arise out of a child or young person’s family life can counter the effects of some of the major risk factors leading to youth offending. In relation to youth justice, research has shown that providing the

\textsuperscript{26} Ministry of Justice, \textit{supra}, 26.
\textsuperscript{27} Ministry of Justice, \textit{supra}, 29.
parents of high-risk youth offenders with training and support in “parenting skills, and diagnosis and treatment of key risk factors (such as drug involvement, school failure, antisocial peers and abuse at home) reliably works to reduce youth offending”.  

Of course, negative experiences in early childhood do not affect everyone in the same way. Not all children who are at risk of poor outcomes actually experience those poor outcomes. Where some children grow up in relatively deprived circumstances but go on to lead productive lives, others grow up in stable and positive environments yet still experience poor outcomes in adulthood:

Interventions are most likely to be successful and effective if they occur before problem behaviours become entrenched. It is true, however, that early interventions are also less likely to be efficient. Inevitably, more people will receive assistance than actually require it to prevent later poor outcomes. The extent of intervention may also be greater than what is required. There are always trade-offs to be made, therefore, between the effectiveness of early interventions and the efficiency of later interventions.

Clearly, there are limits on what early interventions can be made. There are financial constraints on any action, and changing people’s behaviour is difficult and takes time. It is equally clear, however, that a primary focus of crime prevention efforts must be on addressing the problems of severely disadvantaged families.

One of the dangers in targeting crime prevention is that often the need to respond to immediate and tangible problems, takes priority over the need to intervene early in children’s lives to such an extent that the latter need is never properly addressed. Undoubtedly, this happens in part because the benefit of that early interventions may not be immediately apparent and the identification of the particular children or families in need of help may be difficult. A balance is required between responding to the needs of children and young people who offend and improving the provision of services at the early developmental stages of childhood. The importance of early intervention initiatives needs to be supported and reinforced by the youth justice sector.

Early intervention initiatives can and should be seen as an investment by government and society to avoid the significantly higher costs and reduced effectiveness of intervening at a later stage. An early intervention approach allows all New Zealanders to have the opportunity and potential to contribute positively to society and have an enriched and well-adjusted life.

As children grow older, factors outside the family/whānau, such as peers and community, begin to have a greater impact on their lives. The associated risk factors must therefore be addressed and protective factors such as ensuring success at school and developing friendships with pro-social peers also need to be supported and reinforced.

Programmes in this area focus on addressing risk factors such as poor attendance or under-achievement at school, anti-social behaviour, lack of parental support or lack of pro-social peers. Programmes include Social Workers in Schools, anti-bullying programmes, specialist education services, drug and alcohol abuse education and treatment, alternative education, community-based recreational/leisure activities, life skills development, counselling, and mentoring.

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29 Kaye L McLaren, supra, 53.
30 Ministry of Justice, supra, 16.
31 Ministry of Justice, supra, 16.
32 Ministry of Justice, supra, 26 - 27.
33 Ministry of Justice, supra, 16.
34 Ministry of Justice, supra, 28.
35 Ministry of Justice, supra, 28.
In New Zealand however, general school-based programmes and strategies have good coverage and many have been evaluated and demonstrated positive effects. There is continued concern about the incidence of truancy and the number of young people, particularly Māori young people, being suspended from school.36 There is also a concern that many young people are not enrolled in school.

Prevention of Re-Offending

It is also necessary to have strategies in place to deal with youth offending constructively when it does occur, but again these strategies can effectively aim to target social justice issues and reduce disadvantage. A good example of such a strategy was seen in Wellington through the efforts of Youth Justice Co-ordinator Allan McRae and Sergeant Tony Moore.

Allan McRae began working as the Wellington Youth Justice Co-ordinator in 1994.37 In conjunction with Sergeant Tony Moore of the Wellington Police, Mr McRae began working to implement community programmes focused on helping young persons to move away from criminal offending. They identified key patterns for youth offenders in the Wellington region. One significant factor they noted related to education. In addition to their behavioural problems, many young offenders “had learning difficulties that had not been addressed. They also tended to have school attendance difficulties going as far back as primary school.”38

In response to their findings, Mr McRae and Sergeant Moore began a number of community based initiatives. Among these initiatives were some that focused on the importance of education.

A programme targeting youth offending in schools was initiated. It addressed problematic college students, and the educational and learning problems that have been shown to cause youth offending.39 Instead of automatically suspending students who broke the law, schools called in Police Youth Aid personnel and the youth justice process with the aim of strengthening family involvement. Schools were also helped to access community resources providing drug rehabilitation and anger management courses. The aim was to enhance each student’s chance of completing a college education. The result was a major drop in school suspensions, a consequent drop in police referrals and a decline in criminal activities.40

Another programme promoting alternatives to mainstream education was also initiated. It focused on young people who were difficult to maintain in mainstream education. Students who had been expelled from college were encouraged to attend cultural community education and continue their education by correspondence. Thus they remained a part of an educational community and family without the stigma of being isolated and excommunicated. The success of this scheme has been evidenced by new policies adopted by the Ministry of Education focusing on similar objectives.

In creating these schemes, Mr McRae and Sergeant Moore focused their attentions on the kinds of broader interventions that research has shown to be effective in preventing youth offending. They aimed to keep young people within the education system and provide them with a future. The results have been impressive. Youth offending in Wellington has been significantly reduced over the last four years:

• The number of youth justice family group conferences convened in Wellington dropped from 160 in 1996 to 74 in 1999.

36 Ministry of Justice, supra, 28.
37 Alan Ellis, Working in Collaboration with Communities (Submission for the KPMG Innovation Award for Public Service, July 2000) 1.
38 Alan Ellis, Ibid. 1.
39 Alan Ellis, Ibid. 2.
40 Alan Ellis, Ibid. 4.
• The number of charges dealt with at Wellington Youth Justice Family Group Conferences dropped from 554 in 1996 to 176 in 1999.

• The number of serious recidivist youth offenders dropped in Wellington from 30 in 1996 to 2 in 1999.

I believe these results show that tackling social justice issues can be an effective way of preventing crime.

As with all such measures however, there is an ongoing need to ensure that all programmes are high quality, service providers are properly trained, and effective supervision and accountability mechanisms are put in place.\(^{41}\) This need for ongoing monitoring and evaluation of both new and continuing services is increasingly recognised in New Zealand. There is a clear need to ensure that significant efforts are made to focus efforts on evidence-based practice and services. Currently in New Zealand, however, there is a lack of readily-accessible national information on programme quality and effectiveness.

One particular area in New Zealand in which the need for monitoring is evident is in relation to alternative education programmes for students who have become alienated from attending regular school.\(^{42}\) While these programmes are of a high standard in some areas, they have not been working as well in others.

Effective monitoring requires significant inter-agency co-operation.\(^{43}\)

As with other key areas, increased co-ordination and collaboration between government agencies and with the community is required to improve consistency of funding and programme objectives, identify gaps in services, and facilitate assessment and referrals of families/whanau and their young children.

The need for inter-agency co-ordination is critical. Successful strategies to address good long-term outcomes for children are those that are responsive and flexible in their delivery and not limited by agency or sector boundaries. Initiatives such as the Strengthening Families programme, aimed at improving co-ordination between health, welfare and education services, are vital.

**Taskforce on Youth Offending**

The specific issues raised by the Ministerial Taskforce on Youth Offending and relating to the prevention of offending or reoffending by young people centred around the problem of the number of agencies involved in the youth justice sector in New Zealand. The importance of early intervention has already been mentioned and was the subject of a number of recommendations.

Mentoring, as a means of providing valuable guidance and support to at risk youth, was also the subject of a number of recommendations and in particular suggestions about the way in which mentoring programmes could assist with the increased participation of Maori and Pacific groups in this area, and catering to their own needs.

Mention has already been made of drug and alcohol interventions – it was accepted that these are often symptoms of other problems, but they are an accessible entry point and the Taskforce made a number of recommendations. A Youth Court drug and alcohol pilot is presently in operation in Christchurch, New Zealand, and is already showing early signs of success.

\(^{41}\) Ministry of Justice, *supra*, 27.

\(^{42}\) Ministry of Justice, *supra*, 29.

\(^{43}\) Ministry of Justice, *supra*, 27.
The considerable value of involvement in education as a protective factor against youth offending was highlighted in the Taskforce Report and again a number of recommendations have been made about the ways in which difficult or disturbed young people may remain involved in education to the benefit of both themselves and the communities.

Yet other recommendations centred around mental health services, funding practices, some legislative changes, and some initiatives involving the Armed Forces and the structures that are already available in that institution.

In addition to that, the Taskforce had the particular advantage of being advised by Matt Hakiaha, a Maori Community Advisor, who identified particular youth justice issues for Maori. He demonstrated a need for Maori community based programmes focusing on strengthening family units, the need to stress the high stand down and suspension rates of Maori students with the suggestion that a programme known as Tu Tangata (which involves adult family support in schools) needs to be enhanced and supported, programmes to develop better parenting skills for Maori fathers, and matters relating to the relationships between Police, Maori, Maori youth and other Government agencies.

All these matters cannot of course be prioritised. Each has their own contribution to make in reducing and preventing youth offending.

Probably, however, the most important recommendations of the Ministerial Taskforce related to the establishment of Youth Offending Teams with both a preventative and a reactive function. The teams are to be formed on a local basis throughout New Zealand with representatives from Child Youth & Family, Police, Education and Health, for the purpose of coordinating service delivery for young offenders. They will also have reporting mechanisms and support from senior officials and their own departments and the provision of national coordination and leadership at a number of different levels.

The Taskforce also recommended the establishment of an independent Advisory Council to act as a monitor for the way of working. This Advisory Council will include community representatives, youth advocates, Maori and Pacific representatives and will be chaired by the Principal Youth Court Judge.

Already the effects of the recommendations are being observed. Youth Offending Teams are being formed throughout the country which will have the advantage at a ground level of bringing together four key agencies with an important part to play in preventing youth offending. The other recommendations will enhance the progress which will be made by those Youth Offending Teams and their ability to access other agencies when that is needed.

In summary therefore, the situation in New Zealand can best be described as hopeful. The immediate response of the new Government to the recommendations of the Taskforce has been energetic and constructive. Only time will tell whether there will be a continued increase in the resources available to those who work in this difficult and complex area and whether the effort which is needed across all agencies can be sustained to produce the results that we all so much desire.