



“If I see good parents getting criminalised for lightly smacking their children for the purposes of discipline, I’m going to change the law if I’m in a position to do so. It’s as simple as that.”

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PRIME MINISTER, since the introduction of the controversial Anti-Smacking law, many cases of families being seriously affected by this law have been highlighted. They have been researched, documented, and submitted to you as proof that good parents are being criminalised and harassed by police because of this law change.

But you refused to SEE those.

Instead, you chose to rely on the law review of psychologist Nigel Latta, who concluded that “parents could relax”. However, the ‘Latta review’ has since been exposed as misleading, having failed to meet its own Terms of Reference, and missing out or ignoring significant information.

Meanwhile, police claim they are using their discretion correctly. Yet in a number of cases, the courts have rejected that discretion and thrown the cases out.

There are other concerns.

Many complaints are referred to Child Youth and Family. While police have to prove their cases beyond reasonable doubt, CYF can make decisions on much less evidence and these decisions can profoundly affect families.

Prime Minister, here are some more disturbing examples for you to SEE. (For a more extensive list go to www.familyfirst.org.nz)

PRACTICAL LESSON RESULTS IN ASSAULT CHARGE

When a 9 y/o boy stabbed his brother in the leg with a broken pen (not the first time he had stabbed him), mum poked him with the pen to try and teach him how it felt – and in the hope it would stop him doing it again. A neighbour complained to the police and, using their discretion, the mother was charged with assault, spent a night locked up in a cell, and forbidden contact with the boy. After 4 months the judge found her not guilty and said her actions were completely reasonable and that she was a “caring person”. She still has a legal bill of \$3,500.

SMACKING CHARGE PUTS FAMILY ‘THROUGH HELL’

A 4 y/o boy on a family trip to the circus threw a tantrum around his mum who was carrying his 3 month old sister. Dad had to urgently push him away, yet it was alleged that dad had smacked the boy. Dad spent 2 nights in the cells and CYF removed the 4 y/o from both parents. The police used their discretion and took the father to court. Yet in court, it was agreed that no smack had happened, and dad was discharged without conviction - 4 months after the event and with a hefty legal bill. Source: *Christchurch Press 27 May 2010*

BUSDRIVER (70) CHARGED DEFENDING FEMALE STUDENT

A Southland school bus driver was taken to court by the police - using their discretion - for warning and grabbing the arm of a rowdy boy who would not stop pulling a girl's hair. After 7 months of stress, his wife dying, and legal bills owing, the judge threw out the charge. Ironically, he had earlier been advised to plead guilty to make it ‘go away’. Source: *NZ Herald Mar 6 2010*

JUDGE CALLS CUSHION ASSAULT CHARGE ‘RIDICULOUS’ ‘PETTY’

An uncle threw a small decorative cushion at his nephew's head, and although the boy's mother did not see the incident and the boy said it didn't hurt, she called the police. The District Court judge blasted police as “ridiculous” and “petty”. Despite the evidence presented to the police, they still used their discretion to proceed with a prosecution right through to a potential trial by jury – until the judge threw it out. Source: *NZPA 3 Dec 2009*

DAUGHTER LAYS COMPLAINT ABOUT TIME OUT

A father dealing with unacceptable behaviour from his young teen daughter attempted to physically move her to her room for Time Out but she lay on the floor fighting his efforts. The daughter then laid a complaint with the police. Family First were able to refer the family to a lawyer who succeeded in getting the police to withdraw any potential charges – although the father was still given a warning.

ACCESS TO CHILDREN LOST AFTER TIME OUT INCIDENT

After a 30 minute tantrum one night, dad had to remove his daughter to her bedroom for Time Out. She kicked back at him and they both fell to the floor. His ex-wife reported the event to police and CYF, and dad lost access to all three of his children. The family court judge found that the actions were completely reasonable, and the fall was an accident. After more than two months, he finally got access back to his children. The police still gave him a formal warning which will be held on file.

DELIVER ON YOUR PROMISE, MR KEY

Despite your verbal assurances, New Zealand parents are still confused as to what is permitted by the law.

All we’re asking is that you look at the compelling evidence that good parents are being criminalised, and listen to the overwhelming majority of New Zealanders (87%) who oppose the current law.



Protect good parents
Tackle the real causes of child abuse

To view some practical solutions, go to www.stoptheabuse.org.nz

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