



## WHY DID THE REVIEW FAIL US?

To understand the Review's inadequacies, consider the FIVE possible aspects of a smacking investigation.

- ① A complaint is made
- ② Police/CYF respond
- ③ Investigation to uncover facts
- ④ Action taken against parent
- ⑤ Judge decides the merits of a case

Which parts are parents most concerned about?

Parts ③, ④ and ⑤ where light smacking becomes a criminal issue that may lead to a court case or the children being removed.

Which parts did the Government Review mainly focus on? Just parts ① and ②. Incredibly, Nigel Latta and his team spent three months mostly judging whether Police and CYF were justified in their response to the initial complaints. Reviewing those aspects was important.

But crucial aspects of parts ③, ④ and ⑤ were ignored.

## EVERYTHING'S FINE, RIGHT?

Despite the Review's glaring deficiencies, both John Key and Nigel Latta have declared the law a success:



## What the anti-smacking law Review should have revealed...

### EXAMPLE 1 (from the Review)

A father admitted he smacked his daughter once on the leg after she defiantly refused to discuss with him her being picked up by the police for wagging school. The Review said that the daughter alleged she was struck with a telephone book several times and punched in the side of the head. But court documents obtained by Family First show that both CYF and the police agreed that no punching or striking occurred. This was not even acknowledged in the Review. The father now has an assault conviction for a smack on the leg. It cost him almost \$2,000 in legal bills and took 9 months to resolve.

### EXAMPLE 2 (from the Review)

A father admitted he shook his rebellious teenage daughter's shoulders for a few seconds as she lay on her bed, after she sneaked home at 4am, having left the house in the middle of the night without permission, and having stolen thousands of dollars over a period of time. The Review said that the daughter claimed she had been punched at least three times in the face but it failed to mention the evidence, in court documents obtained by Family First, showing that police agreed that there had been no punching. The Review incorrectly said the father was convicted for assault – in fact he received a discharge without conviction, supported by the police. The court case took 3 months and cost the parents in terms of counseling costs, legal costs, time off work, and stress.

### EXAMPLE 3 (from the Review)

The parents admitted that the father gave his daughter three smacks on the bottom after she became aggressive towards him when he confiscated her ring. The Review said there

were allegations of hitting, putting her in a stranglehold and trying to tie her up with a dog lead. But the judge's summary obtained by Family First says that at no time was the daughter 'tied with the lead', that the restraint was 'momentary' and out of 'sheer desperation' by the father, and that the daughter had been 'somewhat provocative in her conduct'. This information was not included in the Review. The judge discharged the father without conviction – but only after 3 months, almost \$5000 legal fees, and the daughter being removed from the family for 7 months – despite no conviction!

### EXAMPLE 4 (from the Review)

Mum mentioned to a social service agency that dad had smacked their daughter the previous day. That Friday, CYF demanded that the children be removed from both parents over the full weekend until Monday morning. The local head of CYF said their response was 'not acceptable', and caused 'unnecessary distress' but the head of CYF (who just happened to be on the Review committee appointed by the PM) said that the actions of CYF were 'appropriate' and 'proportional'. What the Review didn't say was that the police found that CYF had completely botched the investigation. As a result, the family was traumatised for 72 hours – all because of mum's mention of a smack by dad.

## THE FINAL INSULT TO INJURY

It's bad enough that the Review panel misunderstood their terms of reference and failed to give parents any real assurance. But what made things worse was Nigel Latta's accusation that parents had misrepresented the facts of their cases – that they had been dishonest.

## WANT TO DIG DEEPER?

For more details and a full examination of the evidence, pick up the latest *Investigate* magazine (June 2010 issue) or go to [www.familyfirst.org.nz](http://www.familyfirst.org.nz)

## WILL JOHN KEY BE TRUE TO HIS WORD?

*"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... if we start seeing that situation breaking down – good parents being hauled before the courts – then I'm going to do something about it."* Investigate Magazine June 2008