



FAMILY INTEGRITY

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26 July 2005

Rob Robinson
Commissioner of Police
PO Box 3017
Wellington

Dear Mr Robinson,

Should Section 59 of the Crimes Act be repealed, what assurances can you give to the parents of New Zealand that they **will not** be charged with assault under Section 194(a) of the Crimes Act if they subsequently were to smack their child (ren) on the clothed buttocks with an open hand by way of corrective discipline?

Yours faithfully,

Craig S. Smith
National Director

CC to:
Steve Long
Deputy Commissioner of Police
PO Box 3017
Wellington



11 August 2005

Mr Craig S Smith
National Director Family Integrity
PO BoX 9064
PALMERSTON NORTH

Dear Mr Smith

On behalf of the Commissioner I am writing in reply to your letter of 26 July 2005 concerning Section 59 of the Crimes Act 1961.

As you will be aware, section 59 of the Crimes Act 1961 authorises parents to use force by way of correction towards their children, if the force used is reasonable in the circumstances. If section 59 was repealed in its entirety parents would not be authorised to use reasonable force by way of correction. Having said this, I am advised that parents would still be authorised to use force to prevent harm to their children. For example, if a parent stopped their child from running out onto a busy road or stopped their child from climbing over a balcony on a building.

However, smacking of a child by way of corrective action would be an assault. I am advised that the Police in investigating such cases, as is the case with all assault investigations, would consider the amount of force used in the circumstances before making a decision about whether a prosecution is required in the public interest. An aggravating factor in any such decision may be the fact that a child is generally more vulnerable than an adult.

I trust this clarifies this matter for you.

Yours sincerely

A Jack (Dr)
NM - Legal Services
Office of the Commissioner
Safer Communities Together

OFFICE OF THE COMMISSIONER

180 Molesworth Street, P O Box 3017, Wellington, New Zealand
Telephone: 64-4-474 9499 Facsimile: 64-4-498 7400 <http://www.police.govt.nz>

From: Craig Smith
Sent: Tuesday, August 22, 2006 4:36 PM
To: 'Howard.Broad@police.govt.nz'
Subject: Question re Section 59

Dear Commissioner Broad,

Attached are two letters, one from me to the then Commissioner of Police, Rob Robinson, and his reply (via Dr A Jack).

Given that you are now Commissioner of Police, would you consider Dr Jack's reply to be accurate and authoritative?

Thank you for taking the time to consider this letter.

Regards,

Craig Smith
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Our Home....Our Castle



23 August 2006

Mr Craig S Smith
National Director Family Integrity
PO Box 9064
PALMERSTON NORTH

Dear Mr Smith

I am writing in response to your email of 22 August regarding Section 59 of the Crimes Act. I have reviewed the letter sent to you by Mr Jack on 11 August 2005 and his advice is both accurate and authoritative.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Howard Broad'. The signature is fluid and cursive.

Howard Broad
Commissioner of Police

Safer Communities Together

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