



21 July 2015

Mr Alan Corbett  
fyi-request-2869-1c7080e3@requests.fyi.org.nz

Dear Mr Corbett

### **OIA Request – Crimes (Substituted Section 59) Amendment Act 2007**

On 18 June 2015 you sent a request to the Attorney-General, under the Official Information Act 1982 (OIA), relating to Police activity since the completion of Police monitoring of the Crimes (Substituted Section 59) Amendment Act 2007. This request was transferred to Police for a response. Your request was for data on the number of prosecutions for a 'smacking' event since the final review was published.

### **Available Police Information on the Crimes (Substituted Section 59) Amendment Act 2007**

Monitoring the impact of the Crimes (Substituted Section 59) Amendment Act 2007 was initially undertaken for a two year period commencing with the enactment on 22 June 2007. However, following a citizen's initiated referendum in 2009, a review of Police and Child, Youth and Family (CYF) policies and procedures relating to the law change was undertaken. In December 2009 the Prime Minister invited Police to continue monitoring Police activity for a further three years

Undertaking the reviews over the five year period was a large manual undertaking for Police and one that required many hours of collation and analysis. No further reviews have been undertaken in this area as it is considered five years of analysis is sufficient to conclude there has been minimal impact on Police activity since the Crimes (Substituted Section 59) Amendment Act 2007 was introduced.

The eleventh and final review includes an analysis of all previous reviews and can be found at:

<http://www.police.govt.nz/sites/default/files/resources/other-reports/11th-review-section-59.pdf>

You have requested information on prosecutions of 'smacking events' following completion of the five year Police review period. This is refused pursuant to section 18(f) and 18(g) of the OIA on the grounds that the information requested is not held by Police and that it cannot be made available without substantial collation or research.

Whilst Police does not have the resources to deal with your request, I advise that if we had, there would be a significant charge to complete the work. Police follows the Ministry of Justice's Official Information Act: Charging for Services Guidelines which provide that time in excess of one hour should be charged at an initial charge of \$38 for the first chargeable half hour and then \$38 for each additional half hour. Police time to undertake analysis of the three years following the final monitoring review, would total approximately 18 weeks at an

estimated total cost of \$54,720. This is a minimal estimate and does not account for follow-up time from Districts regarding further information that may be required to finalise the response.

These reasons for not providing the information you have requested are consistent with the factors identified by the Office of the Ombudsmen in its official information guidelines as relevant when assessing whether particular requests involve substantial collation or research.

**Right to seek a review**

You have the right, under section 28(3) of the OIA, to ask the Office of the Ombudsmen to review my decision if you are not satisfied with my response to your request.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Catherine Petrey', written in a cursive style.

Catherine Petrey  
National Manager Policy