

Crimes (Abolition of Force as a Justification for Child Discipline)
Amendment Bill

Member's Bill

Explanatory Note

The purpose of this Bill is to stop force, and associated violence and harm under the pretence of domestic discipline, being inflicted on children.

Presently, section 59 of the Crimes Act 1961 acts as a justification, excuse or defence for parents and guardians using force against their children where they are doing so for the purposes of correction and the force used is reasonable in the circumstances. The Bill will repeal that provision.

The effect of this amendment is that the statutory protection for use of force by parents and guardians will be removed. They will now be in the same position as everyone else so far as the use of force against children is concerned. The use of force on a child may constitute an assault under section 194(a) of the Crimes Act, a comparatively new provision in the criminal law, and the repeal of section 59 ought not revive any old common law justification, excuse or defence that the provision may have codified.

Clause 4 simply repeals section 59.

Clause 5 makes consequential amendments to section 139A of the Education Act 1989 to remove the exemption for guardians in the prohibition on corporal punishment in schools.

Sue Bradford

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The Parliament of New Zealand enacts as follows:

1 Title

(1) This Act is the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Act 2005.

(2) In this Act, the Crimes Act 1961 is called "the principal Act".

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is to amend the principal Act to abolish the use of reasonable force by parents as a justification for disciplining children.

4 Domestic discipline Section 59 of the principal Act is repealed.

5 Consequential amendments to Education Act 1989

(1) Section 139A(1) of the Education Act 1989 is amended by omitting the words ", unless that person is a guardian of the student or child".

(2) Section 139A(2) of the Education Act 1989 is amended by omitting the words ", unless that person is a guardian of the student or child".