

New Zealand's Child Discipline Law - What does it mean for your family?

Why was the law changed in 2007?

The old law (*Section 59 of the Crimes Act 1961*) was a legal defence for a charge of assault. This meant that adults who were taken to court for hitting a child could claim they had an excuse because they were correcting (disciplining) the child.

It was an outdated law which had its roots in the historical period when it was legal to hit a wife or servant who disobeyed their husband or employer.

The law was changed because many New Zealanders and politicians could see that children's lives would be a lot better if *Section 59 of the Crimes Act 1961* was repealed.

Why is the law change a good thing?

We all want our children to grow up to be well behaved, responsible people, able to have peaceful and happy relationships with their partners and children. Children need positive, safe and secure childhoods if they are to grow up to be successful, non-violent and happy people.

Smacking and hitting are not positive experiences for children. Smacking and hitting compromises their feelings of safety and security and can damage their relationships with their parents.

Research tells us that children who are hit can become aggressive and have other problems. Physical punishment can, in some cases, lead to child abuse. The old Section 59 sent a message to parents that smacking and hitting children was okay. This message was not in line with what modern child development knowledge tells us about how best to manage children's behaviour.

What does the law now mean for me?

The old legal defence no longer exists – this means that if an adult is taken to court for hitting a child they cannot use 'correction' as an excuse.

Parents can still use physical force to keep their children, or other children, safe. The law allows parents to restrain or physically remove children, for example, to grab a child to keep them from running onto the road, or to carry them to their room, or to separate children who are hurting each other.

The law reminds police that they can decide not to prosecute where an assault is inconsequential (like a light smack). The law is to be reviewed in 2009 to see how it is working. This will include looking at how it is affecting children and families.

What has happened since the law changed?

One of the fears that people had about the law change was that it would result in parents being prosecuted for occasional inconsequential assaults (eg smacking a child lightly). No one wanted this to happen. Prosecutions for inconsequential assaults would upset families more than help them. Police monitoring of the law shows that very few complaints for inconsequential assaults on children have been made and that only cases of significant assault are being prosecuted.



More parents want to learn about positive ways to manage how their children behave. Positive discipline is based on research that tells us what children need to develop into healthy, well adjusted adults, how children learn to behave well and what parenting techniques are most effective.

Positive discipline does not mean that children can do whatever they want. Limits, rules or consequences are part of positive discipline.

Your Plunket nurse, early childhood teacher or a family support agency can tell you where to get more information and support about positive discipline.

Positive discipline – where can I get more information?

Positive discipline (sometimes called ‘positive parenting’) supports a loving, respectful and secure relationship between adult and child. Positive discipline relies on parents providing guidance, reasoning and praise for good behaviour. It does not include the use of negative responses to a child’s behaviour such as smacking, hitting, yelling and criticism

Other sources of information on positive discipline include:

Barnardos Parent Helpline – 0800 472 7368

PlunketLine – 0800 933 922

Parents Centre

www.parentscentre.org.nz/parenting/discipline/ascp

SKIP (Strategies for Kids Information for Parents) pamphlets www.familyservices.govt.nz/skip

The following booklets can be downloaded or ordered from www.occ.org.nz

- Choose to Hug – contains useful information and ideas.
- Children Are Unbeatable – more information about why it is not a good idea to smack or hit children.

To order copies of this pamphlet **New Zealand's Child Discipline Law – What does it mean for your family** go to:

www.barnardos.org.nz

or place an order through the Families Commission

enquiries@nzfamilies.org.nz

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