

Current section 59

59 Domestic Discipline

Every parent of a child and...every person in the place of the parent of a child is justified in using force by way of correction towards the child, if the force used is reasonable in the circumstances.

Proposed replacement of section 59

59 Parental Control

(1) Every parent of a child and every person in the place of a parent of the child is justified in using force if the force used is reasonable in the circumstances and is for the purpose of –

- (a) preventing or minimising harm to the child or another person; or
- (b) preventing the child from engaging or continuing to engage in conduct that amounts to a criminal offence; or
- (c) preventing the child from engaging or continuing to engage in offensive or disruptive behaviour; or
- (d) performing the normal daily tasks that are incidental to good care and parenting.

(2) **Nothing in subsection (1) or in any rule of common law justifies the use of force for the purpose of correction.**

(3) Subsection (2) prevails over subsection (1).



“I might need a smack but I don’t think I deserve having my parents taken away from me.”

How can I stop this?

Tell the Members of Parliament and your local newspaper editor that Section 59 of the Crimes Act 1961 works very well just as it is and not to change it.

Ask the MPs to vote against the Bill.

Do this now and continually until the final vote on this Bill. Visit Family Integrity’s website for updates on the Bill’s progress (www.FamilyIntegrity.org.nz).

Contact your MP in all these ways

- * *Visit your MP.*
- * *Phone them.* Ring and say, “Please add my name to the list of people who are against the repeal and amendment of Section 59.”
- * *Send a letter.* Address the envelope with the name of the MP and the words, “Parliament Buildings, Wellington.” No stamp is required.
- * *Fax them.*
- * *Email them.*

Contact details for all MPs can be found at:

www.familyintegrity.org.nz/page/588565

Contact Others

Pray for God’s mercy on us all.

Ask Family Integrity (address below) for more free copies of this brochure to hand out at work, church, to neighbours, etc.

Encourage your friends, family and neighbours to do these things as well.

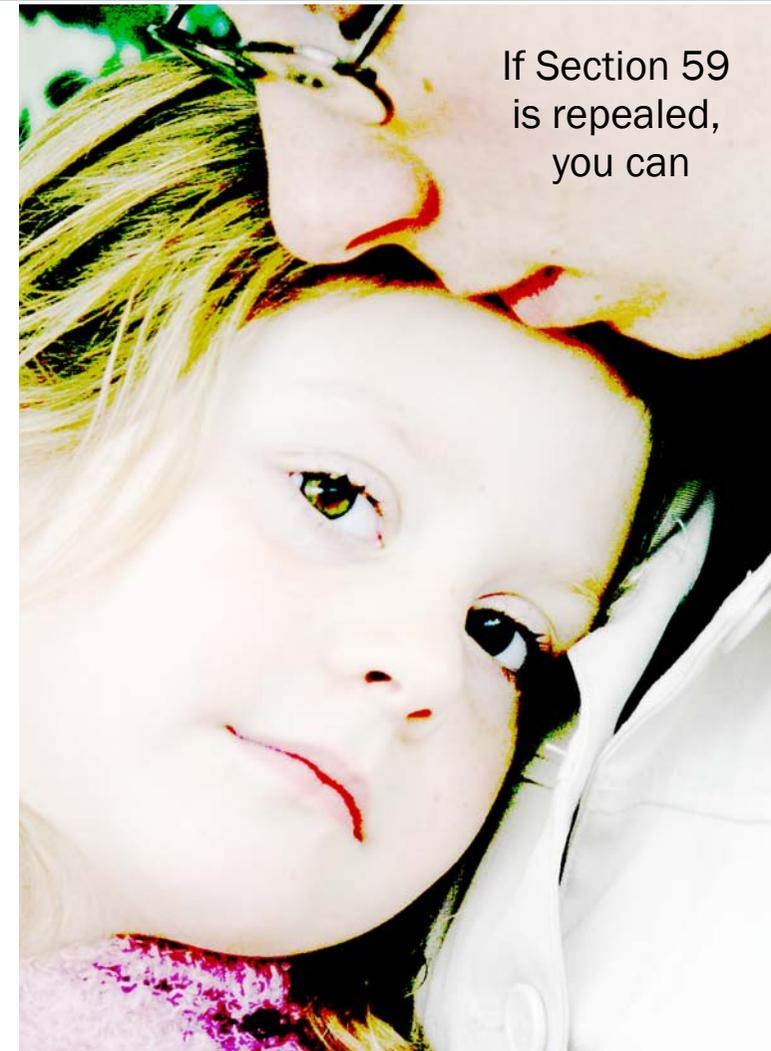
Family Integrity

P O Box 9064, Palmerston North, New Zealand

Phone: 06 357 4399

Email: family.integrity@xtra.co.nz

Web: www.familyintegrity.org.nz



If Section 59 is repealed, you can

Kiss Your Children Good-bye

What is Section 59?

Section 59 of the Crimes Act 1961 is a brilliant piece of law (see panel overleaf). It recognises the natural responsibility and authority of parents to correct, train and discipline their children. It justifies parental use of force only when two conditions are met: 1) that the force used is reasonable in the circumstances and 2) that the motivation is by way of correction (not anger, vengeance, frustration, etc.). Otherwise the vast majority of every day parenting tasks would be defined as criminal assault by Section 2 of the Crimes Act.

Who wants to repeal Section 59?

Green MP Sue Bradford and Government-supported child advocacy groups first sought to repeal Section 59 entirely, but now propose a much more complicated replacement for Section 59 (see panel overleaf).

The present Section 59 only ever justifies using reasonable force by way of correction. The proposed replacement Section 59 specifically *criminalises* using *any* force for the purpose of correction. Bradford's agenda is crystal clear: It is not the use or misuse of "reasonable force" to which she objects.

She wants to make it a crime for you to correct your own children.

Why repeal Section 59?

Bradford claims that violent and abusive acts hide behind the label of "reasonable force" with the current Section 59. This is simply illogical: "violence" and "abuse" are not "reasonable". Even so, this proposed replacement Section 59 still allows the use of force in quite a range of circumstances, even if the force is motivated by anger, vengeance or frustration. Bradford's Bill will allow parents to stop bad behaviour, but it will prohibit parents from legally using reasonable force to correct bad behaviour into good.

Who's in Charge Here?

Who should have authority over your children? The Bible says children do not belong to the state, to parents or to themselves: they belong to God, and He has given to **parents** the authority to raise their children. This Bill is a crude attempt by the government to take this authority away from parents.



"This Bill will make it a crime for you to correct, train or discipline your own children."

What are the implications for you?

If the current section 59 is repealed or replaced, you will lose your legal authority to enforce your standards of behaviour with your children using reasonable force. It is simply not possible to "enforce" any rules without the use of "force".

As a parent you will be dispossessed of the legal authority, discretion and freedom to correct your child's behaviour by using any reasonable force, however light, to raise the bar in your child's standards of dress, grooming, speech or behaviour. You can stop wrong behaviour, but you cannot enforce right behaviour. The state will have successfully interposed itself between you and your child. You will be dispossessed of your own children right in your own home.

The use of reasonable force, however light, to correct, train or discipline your child, will be an act of criminal assault, worth as much as two years in jail (see Section 194a of the Crimes Act 1961).

Both former Police Commissioner Rob Robinson and present Police Commissioner Howard Broad have confirmed this in writing: "parents would not be authorised to use force by way of correction", i.e., such acts would be illegal; "smacking of a child by way of corrective action would be an assault".

Many of you parents who understand the importance and the necessity of child discipline, training and corporal correction will feel forced to practice civil disobedience. Some of you will go to jail.

Or worse — CYFS may take your children away.

Bradford herself said this legislation will be a fiesta for lawyers — not to mention CYFS social workers and court-appointed counsellors, psychologists and psychiatrists — all profiting from Government-induced family dysfunction.

This proposed legislation will give rise to an unprecedented level of unnecessary and damaging state intrusion into families. The Nordic Committee for Human Rights in Sweden (www.nkmr.org) and Dr Robert Larzelere (www.families-first.org.uk/art/sweden.pdf) of the University of Nebraska Medical Center both document the very large increase in parent-to-child and child-to-child violence as well as state-induced family break-ups since Sweden banned smacking in 1979.

Conclusion

If the current Section 59 is repealed or replaced, it will give the Government and its agents a permanent place at your family's table, taking over your authority to raise your own children. And once you've lost that authority to the Government, you can kiss your children goodbye.