

Information on the Citizens Initiated Referendum 2009 about child discipline

In 2007, after much public and political debate, the Crimes (Substituted Section 59) Amendment Act was passed supported by an overwhelming majority of MPs. It removed the existing section 59 Crimes Act 1961 statutory defence of correction and therefore placed children on the same legal footing as other citizens in regard to the law on assault.

There will be a non-binding referendum held in July/August this year aimed at pressuring politicians to reintroduce a statutory defence. In the lead-up to the referendum it is likely that the public debate on physical discipline will be reignited. This sheets presents information about the referendum and a call for support for the 2007 law.

1. Referendum question

“Should a smack as part of good parental correction be a criminal offence in New Zealand?”

This is the question on a postal ballot that will be sent to all registered electors at the end of July to be returned by mid-August. The aim of the supporters of the petition that led to the referendum is for the “No” votes to be in the majority so that politicians can be pressured to revisit the child discipline law. The referendum question is confusing and could lead to the law being undermined.

The petition leading to the referendum began before the final version of the new law was drafted. The final form of the new legislation contained a provision (affirmation of police discretion in cases of inconsequential assault) to reassure parents that police did not have to prosecute where assaults were very minor. The police discretion provision makes the petition redundant. Responses to the referendum may be influenced by the lack of information that most people have about the child discipline law and how it is working.

Many people may find it difficult to respond with a “yes” vote because they will not want to suggest that good parents be made criminals. Good parents are not being made criminals.

2. Child discipline law (Crimes (Substituted Section 59) Amendment Act 2007).

The new law is working well. Indications are that it is being applied sensitively and sensibly and that attitudes are already changing. Police monitoring of their application of the law indicates that there have been few complaints for smacking, a slight increase in complaints for more heavy handed assaults and a very limited number of prosecutions. <http://www.police.govt.nz/resources/2008/section-59-activity-review/table-stats-2.html>

Research commissioned by the Office of the Children’s Commissioner last year indicates that attitudes are changing positively over time. The report *One Year On: Public attitudes and New Zealand’s child discipline law* also shows there is good support for the law

http://www.occ.org.nz/data/assets/pdf_file/0008/5669/OCC_UMR-Research_141108.pdf

3. Pamphlets on the law and positive parenting

The referendum question reinforces the outdated notion that smacking children is a good way to discipline children.

Pamphlets on the new law, its provisions and how it supports positive parenting are being widely distributed to increase public understanding of the law and further build support for it. The pamphlet can be viewed and downloaded on the EPOCH New Zealand website <http://www.epochnz.org.nz> (under Referendum 2009 /parenting pamphlet). If you would like free copies of the pamphlet to distribute in your workplaces or to your networks please contact megan.payne@barnardos.org.nz.

4. Support the law

A group of agencies that support the existing law have been discussing how best to inform the public about the referendum. It is important that we ask voters to secure the current law as it is. EPOCH New Zealand is part of this group. The group is setting up a public website to make information more widely available and it is expected to be operational in early April.

5 How you can help

- Let MPs know both before and after the referendum that the referendum question is misleading and that you support the new law as it is. A public website is being established with electronic facilities to make contacting MPs easy.
- Challenge the referendum and its impossible question by making it clear to your networks that **a yes vote supports the law**.
- Distribute the child discipline law pamphlet. Order some now!
- Let us know of your support so that EPOCH NZ and the wider campaign group can keep in touch with you.

SUMMARY

- We have a good child discipline law in New Zealand.
- A smack is not part of good parenting.
- The law is not making criminals of parents.
- The new law could be undermined if there is a majority 'No' vote.
- A 'Yes' vote will support the law and help secure it in place.
- You can help to make New Zealand safer for children.

Another resource providing more information about the law for use by services and professionals working with families has also been developed and will also shortly be available as a download.

In the meantime please contact EPOCH NZ to let us know of your interest and support. We will be pleased to provide further information.

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