



## **SUBMISSION**

### **To The Justice and Electoral Select Committee**

### **On the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill (Section 59)**

23 February, 2006

#### **Introduction:**

This submission is from the New Zealand Father and Child Society (office at 28 Saint Vincent Street, Nelson 7001.)

We do not wish to appear before the commission.

The New Zealand Father and Child Society was established in March 1998 and formally incorporated in November 1998. It was created to give local father groups / organisations support in setting up and running initiatives, as well as to improve access to information and improve communication between these groups. It was also formed to represent fathers on a national level through the government's ongoing consultation process with the community. For further information see our website (<http://www.fatherandchild.org.nz/>)

This society has a membership and contact list of some 200 organisations, agencies and individuals throughout New Zealand. Some of our interest groups are national organisations with branches in every city; collectively, we estimate, our distribution list reaches around 1000 people.

#### **General:**

#### **Clause 4 - Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill.**

We support the intent of this Bill because we believe that violence is never appropriate, however we have serious reservations about the approach.

#### **Comments:**

1. While supporting the intent of the Bill, we believe education is a more appropriate course rather than legislation because:
  - a. Education has been tested in this area and could be expanded ie. SKIP, for example - see <http://www.familyservices.govt.nz/info-for-families/familyweb/raising-children/managing-behaviour.html>
  - b. There is no statistical information to prove the intent of the current (section 59 of Crimes Act 1961) Bill has been abused. The very few recent cases (3) quoted on the Green Party website hardly constitute a

pandemic in need of changing a law that will affect at least half the population of New Zealand.

2. This society has concerns over the likely increase in claims of:
  - a. Child-abuse leveled at men during acrimonious family court sittings.
  - b. Child / Parent relationship breakdowns owing to teenager perceptions that they are “untouchable” and therefore not accountable.
  
3. This society has concerns about an increase in the growing spiral of fatherlessness in New Zealand which 2(b) will add to, which currently costs our country \$2.6billion per year. (based on population percentage with Australian study conducted by Dr Bruce Robinson –Sydney 2001)
  
4. Associate Professor Ruth Busch talks about psychological abuse being worse than physical – what effects will stopping smacking have? Will it lead to more psychological methods, and if so, might these be misused and more abusive?  
See: <http://www.wesnet.org.au/FamilyLaw/0308notes.htm>

### **Recommendation:**

This society prefers that The Justice and Electoral Select Committee recommend an amendment to section 194(a) of the Crimes Act 1961 by adding a description of what “Reasonable in the circumstances” is and is not.

Although the author of this proposed repeal Bill says it is not possible to write an exact description, a precedent has been set by C.Y.P.S. who have an elaborate description of child abuse and is widely used as a benchmark. Available at <http://www.cyf.govt.nz/1848.htm>

Child abuse might be sexual, physical, emotional or neglect. Sometimes children are abused in more ways than one.

- Physical abuse is any physical injury done, non-accidentally, to a child by a parent or caregiver. Physical abuse endangers the child’s physical or emotional health or development. Shaking a baby is physical abuse.
- Emotional abuse includes constant yelling, threatening, scaring a child, belittling them or playing games with their emotions.
- Sexual abuse is when children (sometimes even toddlers and babies) are used in a sexual way by someone older. This includes everything from obscene exposure, touching the genitals in a sexual way, to rape. It doesn’t include normal sexual play between children of approximately the same age.

- Neglect is when children don't have enough food, love or care. Neglected children may not get enough love and affection, they may not have enough to eat, their injuries may be left untreated, their clothes may not be warm enough, they may be dirty and at risk of infection, or they may be left alone. Neglect can be fatal. Children left unsupervised can die in house fires, be hit by cars or drown in baths or pools.