

**Crimes (Substituted Section 59)  
Amendment Bill**

Member's Bill

As reported from the committee of the whole House

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## Key to symbols used in reprinted bill

### As reported from a select committee

#### Struck out (majority)

Subject to this Act,

Text struck out by a majority

#### Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

#### New (majority)

Subject to this Act,

Text inserted by a majority

<Subject to this Act,>

Words struck out by a majority

(Subject to this Act,)

Words struck out unanimously

<Subject to this Act,>

Words inserted by a majority

Subject to this Act,

Words inserted unanimously

### As reported from the committee of the whole House

#### New

Subject to this Act,

Text inserted

((Subject to this Act,))

Words struck out

Subject to this Act,

Words inserted

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*Sue Bradford*

**Crimes (~~Abolition of Force as a Justification  
for Child Discipline~~)Substituted Section 59  
Amendment Bill**

Member's Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Crimes (~~Abolition of Force as a Justification  
for Child Discipline~~) Substituted Section 59) Amendment Act  
**2005.**
- 2 Commencement** 5  
This Act comes into force (~~on the day~~) one month after the  
date on which it receives the Royal assent.
- 2A Principal Act amended**  
This Act amends the Crimes Act 1961.
- 3 Purpose** 10  
The purpose of this Act is to amend the principal Act to  
~~abolish the use of reasonable force by parents as a justifica-  
tion for disciplining children~~ make better provision for  
children to live in a safe and secure environment free from  
violence by abolishing the use of parental force for the pur-  
pose of correction. 15

*Crimes (Abolition of Force as a  
Justification for Child  
Discipline) Substituted Section  
59) Amendment*

cl 4

**Struck out (unanimous)**

- 4 Domestic discipline**  
Section 59 is repealed.

**New (majority)**

- 4 New section 59 substituted**  
Section 59 is repealed and the following section substituted:
- “59 Parental control”** 5
- “(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 10
  - “(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. 15
- “(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)**.

**New**

- “(4) To avoid doubt, it is affirmed that the Police have the discretion not to prosecute complaints against a parent of a child or person in the place of a parent of a child in relation to an offence involving the use of force against a child, where the offence is considered to be so inconsequential that there is no public interest in proceeding with a prosecution.” 20  
25

New (majority)

5 <Consequential> Amendments to Education Act 1989

New (majority)

(1AA) This section amends the Education Act 1989.

- (1) Section 139A(1) <and (2)> of the Education Act 1989 <is> <are> amended by omitting <the words> “, unless that person is a guardian of the student or child”.

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Struck out (majority)

- (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”.

New

6 Chief executive to monitor effects of this Act

- (1) The chief executive must, in accordance with this section, monitor, and advise the Minister on, the effects of this Act, including the extent to which this Act is achieving its purpose as set out in **section 3** of this Act, and of any additional impacts. 10
- (2) As soon as practicable after the expiry of the period of 2 years after the date of the commencement of this Act, the chief executive must— 15
- (a) review the available data and any trends indicated by that data about the matters referred to in **subsection (1)**; and
- (b) report the chief executive’s findings to the Minister. 20
- (3) As soon as practicable after receiving the report under **subsection (2)**, the Minister must present a copy of that report to the House of Representatives.
- (4) In this section, **chief executive** and **Minister** have the same meanings as in section 2(1) of the Children, Young Persons, and Their Families Act 1989. 25

**Crimes (*Abolition of Force as a  
Justification for Child  
Discipline*)Substituted Section  
59 Amendment**

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**Legislative history**

|                          |   |
|--------------------------|---|
| 9 June 2005              | Introduction (Bill 271-1)                                     |
| 27 July 2005             | First reading and referral to Justice and Electoral Committee |
| 20 November 2006         | Reported from Justice and Electoral Committee (Bill 271-2)    |
| 21 February 2007         | Second reading  |
| 14, 28 March, 2 May 2007 | Committee of the whole House (Bill 271-3)                     |

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