

Newman Weekly

By Dr. Muriel Newman
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The New Zealand Centre for Political Debate

The Smacking Debate

Last week the Body Shop announced that stores throughout the country would be encouraging customers to sign a petition to Parliament supporting the Green Party's bill to abolish section 59 of the Crimes Act.

I feel sorry for The Body Shop. They, along with dozens of other organisations -including Plunket, Barnardos, Playcentre, UNICEF and Presbyterian Support, (a full list may be viewed at www.nzcpd.com) - that purport to support families and children, have allowed themselves to be used by a radical socialist party to bring legitimacy to a move that will undermine Kiwi families and criminalise parents.

Let's make no mistake. The New Zealand Greens are socialists ahead of environmentalists, and like other socialists parties, appear to have little respect for the traditional family unit. Under the guise of reducing child abuse, they plan to abolish section 59 of the Crimes Act, to replace parental discipline with state control. This move will disempower parents and marginalise the independent, private functioning of families.

Raising children - using traditional methods of discipline when necessary - has withstood the test of time. There is no evidence to show that such children have grown up to be anything but normal, balanced, healthy, contributing members of society. Whereas hostile youths, who have not been adequately disciplined or socialised, have long been the scourge of any community.

There is no argument, that as a society we should have zero tolerance to child abuse. In fact, the 1961 Crimes Act is quite clear in that intention: section 194 states that anyone assaulting a child is

liable for up to 2 years in prison, and section 195, that anyone being cruel to a child by wilfully neglecting, ill-treating, or causing them unnecessary suffering, actual bodily harm, injury to health, or any mental disorder or disability, is subject to up to 5 years imprisonment.

But while it is clear that the intent of the law is to ensure that anyone who abuses a child is severely punished, it is also clear that in order to protect parents using normal discipline for correction purposes, from claims that they are abusing children and should be locked up, section 59 was introduced.

Section 59 states that every parent or guardian of a child is justified in using force by way of correction towards the child, if the force used is reasonable in the circumstances. In repealing section 59, the Green Party and all of the organizations that are supporting their misguided campaign, will expose parents to the common law definition of assault.

According to the law, assault means the act of applying, attempting to apply, or threatening to apply force, either directly or indirectly, by action or gesture, in such a way that it causes the other person to believe - on reasonable grounds - that the force will be applied. In other words, it is not just an act of force that can lead to a charge of assault, but a verbal threat or gesture can also initiate such a charge as well.

If section 59 is removed, any touching of a child for disciplinary or correction purposes could be interpreted as assault, and if a complaint is laid, the Police, or Child, Youth and Family, will be required to investigate.

That is what is so objectionable about this whole campaign this law change will expose New

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Zealand parents correcting their children and carrying out conventional, time-honoured disciplinary practices, to criminal prosecution. It will do almost nothing to stop child abuse.

In fact, according to Hansard, the only examples given of the excessive use of force by the promoter of the Bill, were two high profile cases where charges against the parents had been laid and the decisions on whether assaults had taken place were, quite appropriately, decided by jury.

A British study "Broken Homes and Battered Children" by Robert Whelan, carried out in 1994, shed light on the real causes of child abuse. The study found that the incidence of child abuse is 20 times higher for children living with their cohabiting parents and 33 times higher among children living with their mother and her boyfriend compared to children living with their biological, married parents. With child deaths, the situation is even worse children living in households in which the child's biological mother is cohabiting with someone who is unrelated to the child were 73 times more likely to be killed than those living in a traditional, intact, married family.

With child abuse predominantly occurring in single parent families reliant on welfare in New Zealand - Maori children now being the most at-

risk group in our society - the Green Party and all of those organisations that claim they want to reduce child abuse, should support a national campaign to reform welfare. The campaign would need to prioritise a reduction in the reliance on the Domestic Purposes Benefit, and it should also promote the traditional married biological family as society's safest child-rearing unit.

Yet, after a decade of calling for welfare reform, I have noticed only limited support for such a campaign from organisations that purport to care. Perhaps those that receive government funding are fearful of speaking out in case their money supply is cut and they are blacklisted, or perhaps it is simply too PC to talk about traditional values any more.

The problem these organisations face is that by condoning the Green Party's anti-family campaign, they are already damaging their credibility, not only in the eyes of mainstream New Zealand, but in their own hearts as well.

This week's poll asks whether you support the abolition of section 59 of the Crimes Act, and for those interested in taking action to prevent the Bill passing into law, it provides a plan of action.

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