

Newman Weekly

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

The Smacking Bill a con job

New Zealand is being conned over the so-called anti-smacking bill.

Touted as being the way to prevent child abuse, this bill is part of an international movement designed to undermine parental authority and increase state control over children. While a dozen or so countries have succumbed to the pressure of the anti-smacking lobby and the United Nations, the overwhelming majority have not (see www.nzcpd.com, "Smacking Laws in other Countries" BBC News Online).

The promoters of the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill want to remove section 59 of the Crimes Act, so that parents who discipline their children using "reasonable" force will no longer be protected from the charge of assault. They claim this is necessary because section 59 is being used as a shield to protect child abusers. Yet since 1990 there have only been seven successful defenses using section 59!

The public can recognize a con job when they see one. That is why they are fighting back with email campaigns, newspaper advertisements, marches, meetings, petitions and debates. It is this organised opposition that is threatening Labour to such an extent that they are now plotting to undermine the democratic process by calling the House into urgency. If they succeed, the bill will be fast-tracked through Parliament with the rest of the committee stages and the final third reading all held this week.

At the centre of the controversy over the bill is the Prime Minister. She reassured the country before the last election that she would not support a smacking ban: "As you know I do not support a ban on smacking. I am opposed to that because I think it defies human nature. No one wants to see a stressed and harassed parent who in exasperation lightly smacks a child dragged before the court." (see www.nzcpd.com)

The Minister of Justice at the time, Phil Goff agreed saying that while he supported the bill going to a select committee, he did not want to make criminals out of parents (click here to read the Herald article www.nzcpd.com).

When the bill was first introduced into Parliament, Labour MPs were asked to support it to a select committee on the understanding they would be given a conscience vote

for the subsequent stages. However, when Philip Field resigned and Labour needed the Green Party's support to stay in power, all of that changed and the Prime Minister now expects all Labour MPs to vote with the party.

But in a Parliamentary democracy they don't have to do that. MPs have sovereign rights and history is rich with stories of brave MPs who cross the floor over important matters putting the best interests of their constituents and the country ahead of party politics.

When the anti-smacking debate started, the government funded a Canadian anti-smacking advocate Dr Joan Durrant to visit New Zealand to promote her controversial view that Sweden's smacking ban – introduced in 1979 - had reduced child abuse to "virtually zero". It is a view that had been discredited a few years ago by other researchers (see Herald www.nzcpd.com).

Ruby Harrold-Claesson, a Swedish attorney and President of the Nordic Committee for Human Rights, was brought to New Zealand (by private interests), to address the Select Committee and put the record straight about Sweden. She is this week's NZCPD Guest Commentator. In an article entitled "The Smacking Ban: A Dangerous Law", Ruby states:

Thinking New Zealanders have known all along that the proposed law would lead to policing and criminalising responsible parents. Being a lawyer in Sweden under the regime of the anti-smacking law, I have known that all along, and I am still trying to warn New Zealand before it is too late: The anti smacking bill will turn parents into criminals. If the Bill becomes law it will mean the abolition of parental authority. (To read the article www.nzcpd.com)

The abolition of smacking in Sweden has resulted in children being taught their rights to such an extent that many parents are now afraid of them: children freely use intimidation, threatening to report parents to police and social services, if they don't get their way. Tragically, when these children finally realise the disastrous effects that police and social service investigations are having on their families and try to withdraw their accusations, they are unable to do so (for more details see "When Parents Become Victims" www.nzcpd.com)

A summary of some of the cases that have been taken against parents since the law-change took place in Sweden makes for chilling reading: shoppers calling the police when parents restrain their children in the supermarket; pre-schoolers taken into care for asking questions about smacking; parents prosecuted for insisting teenagers help around the house; unsubstantiated claims of abuse by neighbours and work colleagues forcing police and social service investigations; foster parents arrested for restraining their violent charges (to read the "Case Law" details www.nzcpd.com).

Both Sue Bradford and Helen Clark have tried to claim that the Police will not prosecute parents who lightly smack a child, but the Police advice to the Select Committee refutes this view: any case of alleged violence against a child would have to be investigated by the Police with the involvement of social services where possible (to read the Police advice www.nzcpd.com).

The President of the Police Association, Greg O'Connor, in an editorial in the latest edition of Police News also states very clearly that using force against children will be categorised as family violence and "offenders who are responsible for family violence offences shall, except in exceptional circumstances, be arrested" (click here to read his article "Smacking and Discretion" www.nzcpd.com).

A legal opinion by Peter McKenzie QC has also concluded that parents who not only smack their child, but also remove them against their will to a time out zone or "naughty mat" would be committing a criminal offence under the proposed bill.

Meanwhile, in Britain where a bid to ban smacking outright failed but led to the law being amended to clarify what is meant by smacking, a Parliamentary Select Committee inquiring into youth crime is being told that fear of prosecution as a result of

the new law change is now preventing parents from correcting and disciplining their children. An article in the Telegraph, *A Smack Can Keep Children From Crime Says Police Leader*, states: "Parents are authority figures in their children's lives and they need to have effective sanctions at their disposal when their children misbehave. If children don't learn to respect their parents, there is little hope that they will respect other authority figures. If parents are to be held responsible for their children's behaviour at school and in the community, it is vital that their authority to reasonably correct their children is recognised. The more parents' authority is undermined, the less responsibility they will be inclined to take for their children, and the more their children will grow out-of-control (www.nzcpd.com).

With New Zealand's Chief Family Court Judge now calling for greater accountability for young offenders, is it sensible that our Parliament appears set to pass laws that will undermine parental authority? As the police Chief in the Telegraph article said: "Children lack discipline and turn to crime because their parents are too scared to smack them. Parents no longer use physical punishment because they fear they will end up in court facing an assault charge". Is this really what we want for New Zealand?

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The poll this week asks: Do you believe that the repeal of section 59 would lead to an increase in anti-social behaviour and youth crime?

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