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Media release: Thumbs down for Chester Borrow's proposal

Today, community groups working with children and families gave the thumbs down to National MP Chester Borrow's proposal to amend Section 59 of the Crimes Act.

The groups include Unicef New Zealand, Save the Children New Zealand, the Royal Plunket Society of New Zealand, Barnardos New Zealand, the National Collective of Independent Women's Refuges and EPOCH NZ.

"The community groups have examined the proposal using a range of criteria including the level of protection offered children, the clarity for parents of the proposed law, its fit with current government parenting initiatives, and misuse of Section 59 by some private religious schools," said John Bowis, Executive Director of Save the Children New Zealand.

"Regrettably, we conclude that it is seriously flawed," he continued.

Chester Borrow has said that he is seeking to provide clarity in the law by replacing the old subjective phrase of 'reasonable in the circumstances' with the new one of causing only 'trifling and transitory' harm.

"The new phrase may be clear to lawyers and judges, but it is a novel concept for parents and parent educators," said Beth Wood of EPOCH NZ. "Asking parents who are frustrated, exasperated and perhaps angry, to remember in the heat of the moment to keep it trifling and transitory is not going to help."

"One of the more alarming aspects of the proposal is its failure to distinguish between a robust and boisterous eight year old, a teenager approaching adulthood or a three week old baby. All potentially could be struck in a trifling and transitory manner under this proposal. Equally alarming is the possibility of blows to the head, neck or other sensitive parts of the body," she noted.

The proposal is a serious attempt to address the dual concerns of limiting the physical punishment of children while keeping loving and conscientious parents out of court.

"Unfortunately we conclude it will have the opposite effect," said Murray Edridge, Chief Executive of Barnardos New Zealand. "We anticipate court cases in which there are arguments over such questions as whether a folded newspaper used on a two year old is a 'weapon, tool, or other implement; or whether it is 'cruel, degrading or terrifying' to smack a 15 year old."

"Given so many serious flaws in the proposal, there is no way child and family sector groups will support it," he concluded. "It may seem a superficially attractive compromise, but we do not need to see the hitting of children entrenched in our statute book. Nor do we need a law change that will introduce new uncertainties for parents and will probably lead to more rather than fewer court cases."

"What we do need is a clear and decisive legal statement on the importance of keeping children safe and nurtured."

ENDS

A full copy of a briefing sheet issued to all MPs and providing a detailed analysis of Chester Borrows' proposal, is attached.

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