

John Carter

EDUCATION (CORPORAL PUNISHMENT)

ANALYSIS

Title	3. Corporal punishment in schools
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A BILL INTITUTED

An Act to enable Boards of Trustees to develop a policy of corporal punishment and for that policy to be administered, and to consequentially amend the Crimes Act 1961

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Education (Corporal Punishment) Act 1992, and shall be read together with and deemed part of the Education Act 1989 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of February 1993.

PART I

AMENDMENTS TO EDUCATION ACT 1989

2. Charters to include policy on corporal punishment—Section 61 (2) of the principal Act is hereby amended by adding, after paragraph (b), the following paragraph:

“(c) Specify a policy on the acceptance or otherwise of corporal punishment.”

3. Corporal punishment—The principal Act is hereby amended by repealing section 139A (as inserted by section 28 of

No. 191—1

the Education Amendment Act 1990), and substituting the following section:

“139A. Any principal or any person delegated by the principal may administer corporal punishment subject to the terms of a charter or policy on discipline.”

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PART II

AMENDMENT TO CRIMES ACT 1961

4. Domestic discipline—The Crimes Act 1961 is hereby amended by repealing section 59 (as amended by section 28 (2) and (3) of the Education Amendment Act 1990), and substituting the following section: 10

“59. (1) Every parent of a child and, subject to subsection (2) of this section, every person in the place of the parent of a child, is justified in using force by way of correction towards the child, if the force used is reasonable in the circumstances. 15

“(2) Every school principal or person delegated by that principal is justified in using force by way of correction towards any child or student under his or her care if the force used is reasonable in the circumstances.

“(3) The reasonableness of the force is a question of fact.” 20