



Crimes (Substituted Section 59) Amendment Act 2007

Public Act 2007 No 18
Date of assent 21 May 2007
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Crimes (Substituted Section 59) Amendment Act 2007.
- 2 Commencement**
This Act comes into force one month after the date on which it receives the Royal assent.
- 3 Principal Act amended**
This Act amends the Crimes Act 1961.

4 Purpose

The purpose of this Act is to amend the principal Act to 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 purpose of correction.

5 New section 59 substituted

Section 59 is repealed and the following section substituted:

“59 Parental control

“(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

“(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.

“(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).

“(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.”

6 Amendments to Education Act 1989

(1) This section amends the Education Act 1989.

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

7 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 4 of this Act, and of any additional impacts.

- (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—
- (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.
- (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.

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)
16 May 2007	Third reading
21 May 2007	Royal assent

This Act is administered by the Ministry of Justice.
