TEACH Bulletin

Thorough **E**ducation **A**chieved in a **C**aring **H**ome

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The Repeal of Parental Authority

Every home educator, every parent, every New Zealander needs to make a Submission on the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill. This Bill is currently before the Justice and Electoral Select Committee. They have called for Public Submissions to be received by 28 February.

Why is this so important? The Bill's author, Sue Bradford, promotes this Bill as a measure to stop violence against children. There are already laws against this. So what makes this Bill different? It will outlaw any form of discipline that requires force. ***It is not a Bill against violence: it is a Bill against parental use of force when they discipline their children.*** Yes, this Bill will make smacking a criminal assault. But it is far worse than that. It will criminalise any use of force. If you cannot use force, you cannot back up your authority. This Bill will effectively transfer most authority over children from their parents to the state. It will also transfer all legitimate use of force towards children from their parents to the state. This Bill will destroy all real parental authority over their own children. Responsible, hands-on parenting will become a criminal activity. Parenting will be driven underground and have less legal status and protection than prostitution.

Needless to say, if our parental authority is removed, our home education endeavours will be extremely compromised. And because of the compulsory attendance laws, school teachers will have more authority to use force with our children in their classrooms than we will in our own homes.

See the "Action Station" box on page eight for ideas on how to do a submission. The rest of this article outlines issues you may want to use in your own submission. There is a lot more supporting material at **www.FamilyIntegrity.org.nz.**

The Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill is mostly composed of an Explanatory Note and then simply repeals Section 59 of the Crimes Act 1961. We will first look at Section 59, then at the Bill, then at what might be called the "Unintended Consequences" of the Bill. Finally we will refute the several arguments put up in favour of passing this Bill and make some recommendations to the Select Committee.

I. Section 59 Itself

Section 59 of the Crimes Act 1961 is bracketed with Section 60 in their own little sub category titled: "Powers of Discipline". Here they are together:

59.Domestic discipline—
(1)Every parent of a child and, subject to subsection (3) 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.
(2)The reasonableness of the force used is a question of fact.

Mallard Gone! Maharey New Min of Ed

The Hon Trevor Mallard held onto the post of Minister of Education for nearly five years, from 10 December 1999 to 19 October 2005. He's been replaced by no stranger to the Ministry, someone who held the post of Associate Minister of Education (Tertiary) since 10 December 1999, Steve Maharey, Labour MP for Palmerston North. He has also taken over as Minister in Charge of the ERO.

The Associate Minister of Education (Tertiary) has been turned into its own office: Minister for Tertiary Education, and is now held by Hon Michael Cullen, with Jim Anderton as his Associate Minister.

Providing some continuity is Hon Parekura Horomia, who is still the Associate Minister of Education, just as he has been since December 1999.

Upon assuming these portfolios from Trevor Mallard, Steve Maharey said:

"Education is a personal passion and the top priority for this government in our drive to build a knowledge based economy and society.

"I strongly believe our education system should be accountable to parents and the wider community.

"We have a busy programme of work for the next three years, which will include moving to 20 hours free early childhood education for all

*(Continued on page 7: **Maharey**)*

(3)Nothing in subsection (1) of this section justifies the use of force towards a child in contravention of section 139A of the Education Act 1989.

60.Discipline on ship or aircraft—
(1)The master or officer in command of a ship on a voyage or the pilot in command of an aircraft on a flight is justified in using and ordering the use of force for the purpose of maintaining good order and discipline on board his ship or aircraft if he believes on reasonable grounds that the use of force is necessary, and if the force used is reasonable in the circumstances.
(2)Every one acting in good faith is justified in using force in obedience to any order given by the master or officer or pilot in command for the purpose aforesaid, if the force used is reasonable in the circumstances.
(3)The reasonableness of the grounds of which the use of force was believed to be necessary, and the reasonableness of the force used, are questions of fact.

A. The law as it stands recognises parents, pilots and ship captains as having legitimate authority to use limited force in order to fulfil their responsibilities to their charges, be they children or passengers.
B. Repeal of S. 59 will remove this authority from parents, but not from pilots or captains or "Everyone acting in good faith" on a ship or aircraft.
C. Section 59 clearly does not condone violence or abuse against children. It only condones force that is hedged about by two considerations: that the force is reasonable in the circumstances and that it is further used by way of correction.
D. This is a brilliant piece of legislation. It allows parents to go about their parenting tasks wherein they have to correct and discipline and train and do a myriad of tasks ***for*** their children and ***to*** their children for the children's good, without fear of being charged with assault, since it is common for children to object and struggle against the parents' wishes and requests and requirements.
E. Parents need protection from a charge of assault because of the exceedingly broad definition of assault in Section 2 of the Crimes Act 1961: *Assault means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he has, present ability to effect his purpose.* Note that physical contact is not needed to commit assault: a gesture interpreted in a certain way will do. If Section 59 is repealed, and a child interpreted a mum putting her finger to her lips as if saying, "If you don't be quiet, I'm going to come over there and put my hand over your mouth," then the mum has committed assault against the child.
F. Parents do a lot more than gesture toward their children or make suggestions: they issue orders and make requirements of their children as part of their unique task to train a sense of orderliness, responsibility, propriety, work ethic, duty, etc., into their children. Paid baby sitters and/or teachers and/or other professional helpers are not expected to be responsible for this training, whereas parents are. Consequently parents will routinely follow up their verbal commands and requirements with physical guidance, restraint, manoeuvrings, manipulations, warnings, pinches, taps or smacks as required.
G. If parents did not ensure, by force when necessary, that their children were fed, clothed, washed and rested properly, but only relied on their children going along with parental suggestions in these areas, the parents could be charged with neglect under Sections 152 of the Crimes Act.
H. Section 59 as worded will flex with the understandings and attitudes prevalent in the society of the day, as represented by the jury.

II. Bradford's Bill: "Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill"

It is very short and has only five parts: title, commencement date, statement of purpose, repeal notice and consequential amendments. The largest part is the Explanatory Note which says:

The purpose of this Bill is to stop force, and associated violence and harm under the pretence of domestic discipline, being inflicted on children. Presently, section 59 of the Crimes Act 1961 acts as a justification, excuse or defence for parents and guardians using force against their children where they are doing so for the purposes of correction and the force used is reasonable in the circumstances. The Bill will repeal that provision. The effect of this amendment is that the statutory protection for use of force

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Hear, my son, your father's instruction, and reject not your mother's teaching.
— Proverbs 1:8

by parents and guardians will be removed. They will now be in the same position as everyone else so far as the use of force against children is concerned. The use of force on a child may constitute an assault under section 194(a) of the Crimes Act, a comparatively new provision in the criminal law, and the repeal of section 59 ought not revive any old common law justification, excuse or defence that the provision may have codified.

A. The Bill's very title is nonsense. It says, "Abolition of Force as a Justification for Child Discipline". No one has ever used Force or the concept of Force as a justification or reason why one would discipline a child. Perhaps the Bill's author meant to say, "Abolition of Force as a ***Method*** of Child Discipline." This nonsense right at the beginning of the Bill plus the disastrous side effects it would cause (see Section III following) demonstrate that the Bill was conceived and written in haste and carelessly considered.

B. The first sentence is misleading, for this Bill will criminalize ***all*** force, not just that associated with violence and harm.

C. Violence and abuse against children are already illegal. Repeal of S. 59 is therefore unnecessary.

D. This Note makes it clear that the effect of repeal is to remove protection from parents so that they will be reduced to "the same position as everyone else so far as the use of force against children is concerned." This not only reduces parental authority with their own children to near zero (see Section I.D-I.F above), it also ignores the unique relationship of responsibility for training and discipline parents are expected to have with their children, an expectation that is not laid on the "everyone else" mentioned in this Note.

E. Since parenting requires force of many kinds (obedience to verbal command, physical movement, smacking, intimidation, warning of negative consequences, appeal to family tradition or conscience or culture or religious commitment, withholding privileges, physically restraining, imposing restrictions, time-out, confinement to room, etc.), effective parenting will be outlawed in that parents could legally force their children to do only what "everyone else" could legally force children to do: virtually nothing.

F. The Note goes out of its way to warn parents that using force could constitute child assault under Section 194(a): "Every one is liable to imprisonment for a term not exceeding 2 years who assaults any child under the age of 14 years." It is clear that far more than unreasonable force that causes violence and harm will be caught up in this prohibition: all the other acts of parenting which require force technically will also become acts of assault.

G. The reference to excluding any common law justification demonstrates that this Bill is meant to represent a break with our historical precedents, our connection with centuries of British common law and other understandings in law and an embarkation into a brave new world.

H. It appears to be a form of cultural imperialism with a minority attempting to use the power of the state to enforce its particular philosophical hegemony over the majority of New Zealanders. Section 59 allows many types of parenting styles and philosophies and methodologies to co-exist. It does not allow for violence, injury or abuse. How so? It says any force used by a parent toward a child must be 1) by way of correction and 2) reasonable in the circumstances. So why do Bradford and co. say S. 59 does allow for violence, injury and abuse? It is because of the particular, minority religious worldview they hold. Virtually any act whereby a parent: 1) exercises his/her authority over his/her child against the child's will or without asking the child's permission, or 2) imposes his/her will upon a child against the child's will or without asking the child's permission, is to them an act of violence to the child's will, injury to the child's sense of self-determination and abuse of the child's emotional self-esteem.

I. S. 59 is titled, "Domestic Discipline". Bradford wants to remove discipline/use-of-force from law because her minority philosophy draws a close connection between discipline/use-of-force and violence/injury/abuse.

J. Bradford's Bill seeks to criminalise parenting styles, philosophies and methodologies that do not agree with hers. This is highly intolerant and an unethical use of Parliamentary power. It is also unacceptable if we are to call ourselves a pluralistic, diversity-celebrating, inclusive society.

K. This Bill will ban smacking, and as such is clearly out of touch with the majority view. Properly conducted surveys, such as the one commissioned by the Ministry of Justice in 2001 and performed by the National Research Bureau, show that 80% of New Zealanders oppose a ban on smacking**.** (See www.justice.govt.nz/pubs/reports/2001/children/ex-summary.html.)

III. Effects of Repeal

Here are some of the "unintended consequences" of passing this Bill.

A. Section 59 of the Crimes Act is titled, "Domestic Discipline". Repeal of S. 59 would remove "Domestic Discipline" from the law. All parents would be legally disallowed, disempowered, unauthorised from employing discipline with their children as it of necessity involves the use of force. The whole thrust of Section 59 assumes just this point, that discipline of children requires parents to use force. It is an inescapable, integral part of a parent's responsibilities in raising children: to discipline, and to use force, to ensure children follow a certain line of behaviour or refrain from a certain line of behaviour. This Bill repealing S. 59 would remove from parents their legal authority to discipline their own children.

B. If parents cannot back up these requirements and prohibitions with force, then their parental directives to their children are reduced to mere suggestions that they hope their children will follow. Prohibiting parents from using force will of necessity remove most of the parents' authority over their own children. This happens in exactly the same way that prohibiting the use of force by the Police, the courts, the IRD, city councils, etc., would reduce each of these authorities to making suggestions they could not enforce on anyone. Parents must have the legal authority to use force, as force is necessary to discipline children, for society could not function where the children entirely ignored their parents.

C. Letter from Craig Smith, National Director of Family Integrity, Palmerston North, 26 July 2005, to Commissioner of Police, Rob Robinson, Wellington: "Dear Mr Robinson, Should Section 59 of the Crimes Act be repealed, what assurances can you give to the parents of New Zealand that they ***will not*** be charged with assault under Section 194(a) of the Crimes Act if they subsequently were to smack their child(ren) on the clothed buttocks with an open hand by way of corrective discipline?" Reply from Dr A. Jack, Legal Services, Police Commissioner's Office, 11 August 2005: "Dear Mr Smith, If Section 59 was repealed in its entirety, parents would not be authorised to use reasonable force by way of correction….However, smacking of a child by way of corrective action would be an assault." Despite protests from the Bill's author, Sue Bradford, and Children's Commissioner Cindy Kiro, this letter unambiguously confirms that the ancient and nearly universal parental practice of smacking will definitely become a form of assault.

D. Dr Jack further says: "…parents would not be authorised to use reasonable force by way of correction." Parents' authority over their children will be severely compromised: if they cannot even use "reasonable force", then they clearly cannot legally use any force at all. All parents will have their hands tied.

E. Even the favoured alternative method of discipline – time out – cannot be enforced without the use of force. It will also be criminalized, meaning virtually every parent in the country will be constantly exposed to being charged with criminal assault.

F. How could parents ensure the following requirements without the use of force if the child refused to obey?
   a. Being clothed properly for the weather or clothed at all.
   b. Eating a balanced diet.
   c. Getting adequate rest.
   d. Wearing a seat belt in the car and a helmet while cycling.
   e. Just getting into the car
   f. Accompanying the parent lest the child be left at home alone.

G. How could parents prohibit the following without the use of force if the child was determined to do it?
   a. Drinking, smoking, ingesting or injecting either legal or illegal substances adults can be seen to consume or that the child just wants to try.
   b. Watching pornographic and Adult Only rated TV shows and videos.
   c. Earning money by prostitution or drug dealing.
   d. Wandering off anywhere with anyone at anytime of day or night without telling anyone at home.
   e. Keeping company with people likely to be injurious to the child's well-being.
   f. Lying, cheating, stealing.

H. Section 194(a) of the Crimes Act provides for a maximum two years in jail for assault upon a child under 14. Parents who today perform parenting acts that are considered by the vast majority as being well within "reasonable force" will face prison terms after repeal since they will have no legal defence whatsoever. This is a very serious form of child abuse: to threaten them and their parents with the stress and fear of prosecution and to actually imprison parents for no good reason.

I. Virtually every parent has strong convictions about the need to use force in its many forms (see list in Section II.E above) while engaged in the business of child rearing, convictions borne of religious faith, family traditions, ethnic backgrounds, cultural practices, philosophical commitments, common sense and the like. They are all backed by thousands of years of successful parenting practises that utilise force. This huge sector of society will suddenly have their beliefs and convictions criminalized if Section 59 is repealed, resulting in widespread civil disobedience with some of New Zealand's most conscientious parents ending up in jail.

J. Parents technically commit assault, as defined in Section 2 of the Crimes Act 1961 (see point I. E above), against their children all the time: i.e., whenever they impose their will upon the child. It happens nearly every moment of every day as they brush the child's hair, change its clothes, wipe its bottom, make it wash its hands and eat its veggies and go to bed at a certain time, confine it to its room, etc., all of which would be acts of assault if committed on non-consenting adults.

K. Repealing S.59 will make parenting a fearful and impossible task as the parents constantly wonder when they will be charged with assault. Effective parenting will effectively be outlawed.

L. Any report that a parent had smacked a child would have to be investigated, irrespective of whether the child had suffered any harm or not. This means children from loving homes could be placed on the child protection register and forced to testify against their parents in court. The Police Commissioner has already stated that if the defense of reasonable force were to be abolished, smacking definitely would be considered as an assault….and so would many other acts of parenting (see Section III. H above). If the parent's employment involved work with children as a child minder, youth worker or member of school

staff, the charge of child assault would almost certainly lead to the parent losing his or her job.

M. There would be a very real danger that genuinely abused children would not receive the help they need because the authorities would be wasting time with non-dysfunctional families. Such misappropriation of child protection resources would expose abused children to increased risk of harm.

N. If smacking were to be outlawed, some parents may resort to shouting at their children, verbally abusing them, using sarcasm and character assassination, refusing to speak to them or in other ways withdrawing tokens of their love and affection. Such responses, while legal, can be far more emotionally and psychologically damaging.

O. A simple repeal will vastly complicate our law of assault, for assault is easily proved (just look at the legal definition under point I.E above). Judges will have to wrestle with new distinctions, trying to avoid being forced to convict people they see as morally innocent. Many law-abiding citizens will consider this law change an ass and become contemptuous of the law. When this happens, the law loses credibility in the eyes of everyone. It causes more indecision for those who must enforce it, and more doubt about its value, and worse still, there will be more pressure on the courts to find cunning or discreditable arguments to avoid enforcing the clear words of the law.

P. MP Sue Bradford and Children's Commissioner Dr Cindy Kiro routinely say that the Police will not prosecute for "light smacks", even though they will clearly become acts of assault. These people are advocating that the Police fail to uphold and enforce the law of the land.

Q. Some of the institutions supporting the Bill to repeal Section 59, Barnardos, Plunket, Children's Commissioner and Families Commissioner, are seen as short-sighted and even as anti-family since they are, either knowingly or unknowingly, supporting these harmful unintended consequences.

R. These institutions are also seen as attacking the child-rearing practices held by many families, across many religions and cultures and traditions, some of the deepest and most important cultural practices we have. They are starting to pay the price of increased suspicion against them.

IV. Refuting the Repeal Lobby's Arguments: UNCROC

(United Nations Convention on the Rights of the Child) Many have said that NZ, as a signatory to UNCROC, is required by Article 19 to repeal Section 59 or to ban smacking in the home. Article 19 requires no such thing. It says: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent (s), legal guardian(s) or any other person who has the care of the child." This is targeting "violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation" which is obviously not at all the same as ***either*** reasonable force used by way of correction (section 59) ***or*** smacking, unless one holds the unusual opinion that reasonable force used by way of correction and traditional smacking as it is known in New Zealand are by definition the same as "violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation".

V. Refuting the Arguments: Hiding Abuse Behind S. 59

It is constantly asserted that abusive parents hide behind the provisions of S. 59 and that it is even used by the courts to let clear cases of abuse get off free.

A. S. 59 cannot be used to justify violence toward children. It cannot even be used to justify unreasonable force, but only "reasonable force used by way of correction". That's why it was placed in the Crimes Act in the first place: to nail the abusive and violent while protecting parents in their legitimate parenting activities.

B. This Bill to repeal Section 59 assumes that judges and juries are too thick to weigh up all these circumstances properly and that they are unable to distinguish between "reasonable" force used "by way of correction" on the one hand and unacceptable violence against children on the other. It is Sue Bradford and other backers of the Bill saying the judges and the members of the juries, their peers, should not be trusted to tell the difference. This is how elitists show their arrogance. This is how they force their minority opinion upon all who disagree with them, ironically eliminating rather than celebrating the "diversity" they are normally fond of promoting. It begins to look like "diversity" means make room for their minority ideas while getting rid of establishment ideas they don't agree with.

C. When cases of possible abuse come before the courts or are investigated by CYFs, how often is a defence of S. 59 even attempted? "Each year Child, Youth and Family investigates more than 25,000 reports of suspected child abuse and neglect." (http://www.cyf.govt.nz/1816.htm on 19 August 2005). How many times a year, out of these 25,000, is Section 59 brought up?

D. Lawyer John Hancock of Action for Children and Youth Aotearoa Inc., summarised such cases in a document titled "Parental Corporal Punishment of Children in New Zealand" for the UN Committee on the Rights of the Child and dated 28 August 2003. In this document he listed only 18 cases in which Section 59 featured spanning the 13 years from 1990 to 2002. That averages a mere 1.4 cases a year. Therefore, of the 1,415 reported cases of child abuse/assault Statistics NZ recorded for 2004, we can expect S. 59 to be used as a defence in a miniscule 0.1% of the cases! And lawyer Hancock's report shows more than half of that tiny number were found guilty. S. 59 obviously provides no hiding place! Read Hancock's full re-

port at: http://www.acya.org.nz/Portals/0/S59_report_UNCROC_28Aug2003.rtf

VI. Refuting the Arguments: Research Demonstrates Only Negative Behavioural Outcomes from Smacking

A. Researchers fall into two camps.
   a. Those who can find no demonstrable causal connection between normal smacking and negative behaviours include: Dr Diana Baumrind of U of California at Berkeley; Dr Robert Larzelere of U of Nebraska; Drs Rex Ahdar & James Allan of U of Otago.
   b. Those who claim a demonstrable link include: Dr Murray Strauss, U of New Hampshire; Dr Joan Durrant, U of Manitoba; Dr Anne Smith of U of Otago.

B. They ***all*** acknowledge the near impossibility of establishing a causal link between specific events in one part of a person's life (i.e., physical discipline as a child) among all the other events in that person's life and events in later life (i.e., negative social behaviours). Yet the pro-repeal lobby illogically insists the causal link is there. They appear to have a doctrinaire commitment to this article of faith whether there is any research evidence supporting it or not.

C. According to Derek Rogusky, director of research for Focus on the Family Canada, many studies lump abuse and disciplinary smacking together. However, the studies done that differentiate between abuse and smacking show children who are occasionally spanked, in a loving and caring environment with other forms of discipline also used, are very well adjusted." (See http://www.christianity.ca/family/parenting/2003/08.001.html)

D. Dr Larzelere said in his paper "Child Abuse in Sweden", "Durrant and I used the identical data source to arrive at nearly opposite conclusions." Quoting statistics has limited or no value in determining the harm or benefits of repealing Section 59. (See http://people.biola.edu/faculty/paulp/ .)

VII. Refuting the Arguments: Extend Common Human Rights to Children the Same as to Fellow Adults

A. This is a ridiculous argument as it pre-supposes a parent's relationship to his own child is not essentially any different from his relationship to other adults outside the family.

B. One doesn't smack or use force on other adults for the same reason one doesn't try to change their clothes or bathe or feed them. When a person has reached adulthood he is assumed to have matured to a place of independence and is self-governing.

C. Children by definition have not reached maturity nor are they independent or self-governing. They are dependent upon their parents who are responsible to train and discipline the children toward this happy state of independence.

D. There are cases where one would change and feed and bathe another adult: when that adult is in a degenerating condition (not maturing) due to illness and/or old age; plus the one caring for the adult has a special responsibility, relationship or authority to do so. This authority resides in nurses, rest home employees and parents. Bradford's Bill removes this authority from parents.

VIII. Refuting the Arguments: We Need to Send a Signal to Society that Violence Will Not Be Tolerated

A. If this society or this Government were serious about signals, they could sack the Abortion Supervisory Committee and slam the Certifying Consultants into jail for illegally allowing abortions on demand, which was surely not the intention of the CSA Act, yet children are systematically killed at the rate of 50 per day, 18,500 last year.

B. Charge school bullies with assault.

C. Fire the top two film censors in this country for not doing their job properly, polluting this country with possibly the vilest and most degrading, gory and sexualised violence ever recorded.

D. Tell the TV and video-games people to take their gratuitously violent and gory shows somewhere else. The truly harmful effects of TV and video violence are well known and thoroughly documented. In July, 2000, a joint statement was made to the US Congress by the AMA, the APA, the American Academy of Pediatrics, and the American Academy of Child and Adolescent Psychiatry. What they said was: "Well over 1,000 studies point overwhelmingly to a causal connection between media violence and aggressive behavior in some children." The following websites are a mere sampling of the research:
   a. http://www.lionlamb.org/research.html
   b. http://www.killology.com/stanfordstudy.htm
   c. http://www.apa.org/releases/videoviolence05.html
   d. http://health.myway.com/art/id/527504.html
   e. http://jrc.sagepub.com/cgi/reprint/42/1/3.pdf

IX. Refuting the Arguments: Nowhere Else Does the Law Allow One Group of People to Be Assaulted by Another

A. Sections 72, 73 & 75 of the Child Protection Act 2004 specifically give authority to use force to Social Workers when removing a child from a family. Social Workers have gained the use of force against children and parents, while this Bill proposes to take the use of force towards their children away from parents.

B. A very cursory read through parts of the Crimes Act 1961 turned up many instances where the law gives Joe Bloggs in the street legal justification for using reasonable force – force that would otherwise be considered assault – against another in certain circumstances….exactly as Section 59 does. Try reading Sections 39, 41, 42, 43, 46, 48, 52, 53, 55, 56, 58 and 60. Exam-

ples: Section 60 is reproduced earlier in this document. Section 42 says:

42. Preventing breach of the peace—

(1) Every one who witnesses a breach of the peace is justified in interfering to prevent its continuance or renewal, and may detain any person committing it, in order to give him into the custody of a constable, provided that the person interfering shall use no more force than is reasonably necessary for preventing the continuance or renewal of the breach of the peace, or than is reasonably proportionate to the danger to be apprehended from its continuance or renewal.

X. The Most Accurate Predictor of Child Abuse Is "Family" or Household Structure

Analysis of British data by the Heritage Foundation in Washington, D. C., shows that compared with the intact married family, serious child abuse is: six times higher in the step-family; 14 times higher in families with single mothers (divorced and single mothers combined); 20 times higher in families with single fathers (predominantly divorced fathers); 20 times higher with de facto biological parents; and 22 times higher where the mother cohabits with a boyfriend. (See http://www.heritage.org/Research/Features/Marriage/index.cfm. Also Greg Fleming, Managing Director of the Maxim Institute, *New Zealand Herald*, 25 June 2002, 'Parents need secure option before giving up smacking.')

XI. Conclusion

A. The Ministry of Social Development should direct the Police and CYFs to start keeping statistics on the household structure in cases of child abuse.

B. Vote the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill down as unworkable and as ushering in too many very damaging unintended consequences. Do not allow it to proceed.

C. Leave Section 59 intact just as it stands, for it is a brilliant piece of legislation. It protects responsible parents in their legitimate use of force to correct and train their children, and it allows proper authorities to pursue cases wherein the use of force is not reasonable in the circumstances nor used for the purpose of correction.

*(Continued from page 1: **Maharey**)*

three and four year-olds; continuing to lift literacy and numeracy standards and building confidence in the senior school examination and assessment system."[1]

He certainly has his work cut out for him. It must be really hard to expand frantically into the preschool area and convince everyone they should abandon their children to these institutions when the primary and secondary institutions, the MoE's core business, is a shambles of low literacy rates and incoherent exam systems.

Note:

1. From: http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24267

Heartless Manipulators

In the meantime, even though the MoE is doing all it can to secure a growing number of jobs for Kindergarten teachers by offering every pre-schooler 20 free hours a week in either private or government-run indoctrination centres, the teachers (so-called) are doing all they can to destroy both their credibility and any shred of professionalism they ever hoped to convince the New Zealand public they had by going on strike!

Yes, while trying to convince parents to entrust the physical, emotional, intellectual, spiritual and moral care of little four-year olds to them, 97% of these charlatans voted to walk off the job Thursday 8 December and abandon the infants in their care, hoping that such irresponsible behaviour will convince people they should be paid more...or else.[1]

Here's a better idea: let us home educators convince all the parents we know to stay home and give your children a proper education while also protecting them from being manipulated by such heartless self-centred opportunists. Professionals they are not, for professionals are committed to their profession and to their clientele, which these wannabees clearly are not.

Such unbelievable antics only serve to demonstrate that the only people truly committed to our children are we parents. This is what makes you wonderful home educators the most well-qualified people on earth... don't ever let anyone say otherwise.

Note:

1. http://www.scoop.co.nz/stories/ED0512/S00007.htm

Continued Persecution

The home educating families in Germany are divided. The mothers and small children live in Austria near the Italian border where homeschooling is legal and the fathers live in northern Germany with the older children who are no longer of school age. It is a very long distance between so the families don't see each other very often.

The families would like to immigrate to Canada. Canada's Gerald Huebner has been very kind to offer to help them.

(From: Richard Guenther, email, 5 Dec 2005.)

Student Allowance

Early in 2005, the Editor of *TEACH Bulletin* contacted StudyLink, the crowd who handles student allowances for tertiary students, to clarify whether home educated individuals aged 16 & 17 could get the allowance. Some were getting Discretionary Enrolment into Universities but being denied the allowance.

It took some months, but StudyLink has clarified the home education gap in their policy. Here it is:

Regulation 7

(1A) as from the commencement of 1 January 2004, the students who are eligible for a basic grant include a single tertiary student of or over 16 but younger than 18 who:

(a) has completed a course of secondary instruction to year 13

level; or

(b) Has not completed a course of secondary instruction to year 13 level but:
  (i) has obtained, in the University Bursaries Examination, 3 "C" grade passes or better; or
  (ii) has obtained, at level 3 of the National Certificate of Educational Achievement, 42 credits or more.

Under Regulation 7(1A)(a):
Home educated students will be asked to provide confirmation from an approved tertiary education provider of their provisional/ discretionary enrolment in a full-time course of study at level 3 on the National Qualifications Framework (NQF) or higher.

Under Regulation 7(1A)(b):
Home educated students will be asked to provide confirmation that they have gained 42 NCEA credits at level 3; or if they have not met this criterion but have exceeded it, they will need to provide evidence that they have gained at least 42 credits at level 4 or higher on the NQF. Alternatively if the qualifications students have gained are not listed on the NQF, the student can provide StudyLink with verification from NZQA on the credit equivalency of the qualification on the NQF.

StudyLink added these extra comments: "From 1 January 2004 the age limit for students entitled to receive Student Allowance was changed from 18 to include 16-17 year olds. It was identified that some 16-17 year old students were completing year 13, NCEA level 3 or Bursary earlier than at the age of 18. Regulation 7 was implemented to recognise the achievements of these students who wished to pursue tertiary study. The year 13 completion criterion and the academic criterion for 16 and 17 year old students were implemented to ensure that these students were ***not*** encouraged to participate in tertiary study unless they had a reasonable chance of success."

Clear as mud? I thought the same. Remember, these hoops are to get money out of the government, not to get accepted into University.

Action Station

Write a submission to the Justice and Electoral Select Committee of Parliament telling them that you oppose the Crimes (Abolition of Force as a Justification for Child Discipline) Amendment Bill (see lead article, page 1). It can be very short giving only one reason (i.e., it will too greatly compromise parental authority with their own children) plus one recommendation (leave Section 59 intact, just as it is). Send 20 copies addressed to: Clerk of the Committee, Justice and Electoral Committee, Select Committee Office, Parliament Buildings, WELLINGTON, to arrive by 28 February 2005. Further guidelines on submission writing at: http://tinyurl.com/46u2e.

Get everyone your know aged 18 and over to write a submission. We'll write one for you, if you'll indicate the number of the point from the article on pages 1-7 you'd like to make, and we'll send it to you to sign.

This matter is far too important to ignore. The integrity of every New Zealand family is at stake: the question is, do you want the government running your family?

CRAIG S. SMITH, Editor

Fun and Games at State Institutions

From primary through tertiary, the students — and the teachers as well — are certainly "enjoying" themselves, taking advantage of their respective situations.

Until recently, the public had been able to read full registration decisions about teachers on the Teachers' Council website, often including information about sexual relationships with pupils, violence, criminal convictions and other inappropriate behaviour. Get this: teacher unions complained that this practise harmed the status of teaching ***and was irrelevant to the public!!!*** [1]

Massey University is failing to control hostel students' behaviour and cleaning the university can be "the job from hell", say former cleaners. "The students were filthy when I worked there… new cleaners often quit after the first week." The *Manawatu Standard* reported that hostel conditions were causing extramural students to check into city motels rather than stay on-campus. Massey University Extramural Students' Society president Liz Hawes said insufficient responsibility was taken by the university for residential students' conduct. [2]

A six-year-old boy accused of sexually violated girls in his class over several weeks ***continues to attend*** the Halswell School in Christchurch. The abuse has prompted fearful parents to withdraw their children and has sparked an investigation by police, Ministry of Education psychologists and Child, Youth and Family (CYF). SAFE sexual offenders programme director John McCarthy said, "Children are increasingly exposed to sexual images, so it is not surprising we would see young children more sexualised than we are used to." [3]

Children at Otakiri School in Eastern Bay of Plenty, usually between the ages of nine and 14 and either alone or with the help of others, deprive themselves of oxygen until they pass out. This is done for the brief high that comes when oxygen is restored to the brain and consciousness returns. Such fun can cause permanent brain damage, a stroke or death. [4]

Notes:

1. *Dominion Post*, Sept 9, 2005, "More secrecy about teachers' misconduct", www.stuff.co.nz/stuff/0,2106,3404423a11,00.html
2. *Manawatu Standard*, Nov 9, 2005, "Cleaners slam slobby uni hostel residents," www.stuff.co.nz/stuff/0,2106,3472971a7694,00.html
3. *The Press*, 22 Nov 2005, "Six-year-old faces sex allegations", http://www.stuff.co.nz/stuff/0,2106,3486709a10,00.html
4. NZPA, 3 Dec 2005, "Dangerous choking game played at Bay of Plenty school", www.stuff.co.nz/stuff/0,2106,3498953a7694,00.html