

Briefing paper

Corporal punishment of children in Australia: The evidence-based case for legislative reform

Key recommendations

- Legislative reform to ensure children are protected under law from any form of physical assault (in the same way that adults are) in all settings.
- A public health campaign to inform the population the law has changed.
- Ensure widespread access to alternatives to corporal punishment through widespread dissemination of evidence-based parenting programs and supports, including culturally appropriate parenting strategies.
- A national parenting survey to monitor the impact of legislative reform on corporal punishment in Australia.
- Ongoing evaluation of the impact of the change in legislation and access to supports for non-violence parenting strategies.

Key goals

- Reduce corporal punishment of children in Australia
- Increase public knowledge of the effects of corporal punishment.
- Increase capability of parents to use alternative forms of discipline that are more effective and do not cause children harm.
- Join the 63 countries that have already prohibited corporal punishment:
<https://endcorporalpunishment.org/countdown/>

Background

In Australia, corporal punishment of children is legal. In all states and territories, parents or carers are permitted to punish children using physical force with the intent to cause some degree of pain or discomfort, however light. It remains legally acceptable for a parent or carer to hit or smack their child with the hand, pinch them, or wash their mouth out with soap.

Research shows corporal punishment is not effective as a method of discipline. Alternatives to corporal punishment are much more effective at guiding and teaching children. Research from countries that have prohibited corporal punishment shows that attitudes to using corporal punishment change once legislation is introduced and parents also use it less. Corporal punishment has been found to have a wide range of adverse impacts that radiate across the life span. Physical abuse, a more serious aspect of corporal punishment, has been found to have even greater adverse effects.

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Current Australian law on corporal punishment

In most states/territories in Australia, hitting children is prohibited in schools or education contexts but allowed in the privacy of the home.

In New South Wales, the Northern Territory, Queensland, Tasmania, and Western Australia, parents and caregivers are permitted to discipline children in the home using 'reasonable' physical force. In Victoria, South Australia, and Australian Capital Territory common law applies through the courts to permit reasonable corporal punishment. However, in these states, punishing a child who is incapable of understanding what they have done wrong, or exerting force that is unjustifiable, is not permitted. In all states and territories, corporal punishment is prohibited in early childhood education and care settings. In most jurisdictions, corporal punishment is prohibited where children are in state care.

These prohibitions have come about in the last 30 years and have advanced children's rights to protection from physical discipline. They also indicate a legislative appetite for reform to prohibit corporal punishment.

Our international reputation

Australia's position on corporal punishment is inconsistent with international guidelines that the country follows and is signatory to. The United Nations Sustainable Development Goal that aims to 'End all forms of violence against children', and the United Nations Committee on the Rights of the Child urge States to prohibit corporal punishment in all settings and take all appropriate legislative, administrative, social and educational measures to eliminate "all forms of physical or mental violence".

Currently 63 countries around the world have changed their laws, banning corporal punishment in all settings including homes and schools.

Australia's failure to undertake legal reform and prohibit physical punishment by parents and carers has prompted severe rebukes from the international community.

Prevalence of corporal punishment in Australia

The only national data on the use of corporal punishment is from the Australian Child Maltreatment Study that is currently underway. The study assesses corporal punishment among other forms of child maltreatment. Preliminary data reveal 61% of Australians aged 16-24 have experienced corporal punishment four or more times (Higgins, 2022). Other studies conducted from 1999 to 2018 indicate continued use by a substantial proportion of parents (up to 72%) with some decline in more recent years.

Socio-political hurdles in legal reform

To bring about legislative reform in Australia, there is a variety of concerns held by different members of the community that may need to be overcome. These include:

- **Parent rights:** Politicians make significant policy decisions that support child development but they are often concerned about dictating how families raise their

children and discipline them. This idea is that the state should not interfere or have control over family matters that are private and influenced by culture and religion. Politicians tread carefully around the issue of parental privacy or parent rights. Their role is to support families, but not to interfere.

- **Effective parenting strategies:** Many parents believe that corporal punishment is effective to correct children's behaviour. Punishment or the threat of its use may result in short-term compliance. However, a meta-analysis of over 70 international studies linked corporal punishment with a vast array of negative effects including that it does the opposite – instead decreasing compliance over time and increasing aggression.
- **Upholding a ban on corporal punishment:** Prohibiting parents' use of corporal punishment through legislation may result in prosecution and criminalisation of parents, fines that would disadvantage families, and a strain on the justice systems. However, such fears are unfounded, based on evidence from other countries, such as New Zealand (see below), who did not have increased prosecution after law reform.
- **Impact on different communities:** Some communities, specifically Indigenous Australians, will need to determine what will help their community if legislation change occurs. With a history of police intervention and child protective involvement fuelled by forced removal of children, family separation and institutionalisation, it will be important that legislative change does not become another punishing experience, marginalising Indigenous families. Law reform may also be a challenge for culturally and linguistically diverse communities where corporal punishment has been more commonly practised. Parent education programs that provide alternatives to corporal punishment will be needed in all communities especially where corporal punishment occurs more often.

Corporal punishment has adverse effects

Numerous studies have shown that the experience of corporal punishment in childhood is linked with mental health problems, negative parent-child relationship, aggression, antisocial behaviour, impaired cognitive ability, low self-esteem, and even in adulthood - domestic violence. It has a profound negative impact on brain development – similar to the effects of physical abuse. Early data from the *Australian Child Maltreatment Study* (Mathews et al., 2021) show that experiencing corporal punishment four or more times as a child almost doubles the risk for anxiety and depression in early adulthood (Higgins, 2022).

Corporal punishment increases the risk of physical abuse and use of violence as an adult

When adults use corporal punishment, they are modelling the use of violent physical behaviour. There is no opportunity to teach children positive alternative behaviour. While it might make unwanted behaviour stop, it is unlikely to stop the behaviour from recurring. Corporal punishment has also been associated with a greater risk of acting aggressively in future intimate relationships as well as using physical discipline in later parenting.

Economic costs of corporal punishment

In 2009, the Australian Government estimated the cost of corporal punishment would be A\$211 million between 2012 and 2022. These costs were attributable to pain, suffering and premature mortality. Direct costs are associated with medical treatment for injuries from violence, and indirect costs are associated with services for issues arising from violence in childhood such as mental health, substance abuse, violence, and crime.

Australian's readiness for change

The Australian Child Maltreatment Study found that across the sample aged 16 and over ($N = 8,503$), the proportion who believed that corporal punishment was necessary in raising children reduced dramatically in younger generations: 14.8% of 16-24 year olds thought corporal punishment was necessary, whereas 37.9% of the oldest cohort (aged 65+) endorsed its necessity (Higgins, 2022). These differences appear to reflect a readiness for legislative change.

Alternatives to corporal punishment

Parenting strategies that do not use corporal punishment are more effective at addressing challenging child behaviours and correcting misbehaviour. They are particularly cost-effective when delivered in early-to-middle childhood, and involve the following approaches:

- improving the quality of the parent-child relationship
- supporting emotional awareness and self-regulation
- rewarding and reinforcing age-appropriate child behaviour
- responding to negative child behaviours with instructions and non-violent consequences.

Learnings from around the globe

In 1989, the United Nations' Convention on the Rights of the Child made corporal punishment illegal. Since then, 63 countries have changed legislation, including New Zealand, Wales, Ireland, Austria, Germany, France, Spain. In most countries, legislative change is typically followed by educational campaigns about the change in law and the impact of violent childrearing. In countries with public health education about the new laws, the public have been made aware of the harmful effects of corporal punishment and provided with alternative parenting strategies to corporal punishment.

New Zealand passed a law prohibiting corporal punishment in 2007. This was done alongside a widespread public health campaign encouraging non-violent discipline, and consultation and work with different communities about the changes. Police monitoring of smacking reports and the impact of the law after the legislative change found an overall reduction in all types of child assault incidents. Attitudes towards corporal punishment also changed (New Zealand Police, 2013) with dramatic reductions in support post legislation change.

Changes in parent approval of physical punishment in New Zealand (1981 – 2018):

Year	% of parents approving use of corporal punishment
1981	89%
1993	87%
2008	58% (year after law change)
2013	35%
2018	19%

Conclusion

Changing legislation to end corporal punishment needs to be approached from the perspective of child rights and providing parenting support. Children have the right to be safe from violence both inside and outside the home – in the same way that adults are protected from any form of violence. As a society we have a moral imperative to protect children from all forms of harm.

It's time to reform our current legislation.

It's time to increase public awareness of corporal punishment and its effects.

And it's time for Australian parents to have information, supports, and access to programs that promote alternative forms of discipline that are more effective and do not cause children harm.

Source

Havighurst, S., Mathews, B., Doyle, F. L., Haslam, D. M., Andriessen, K., Cubillo, C., Dawe, S., Hawes, D., Leung, C., Mazzucchelli, T. G., Morawska, A., Whittle, S., Chainey, C., & Higgins, D. J. (under review). Corporal punishment of children in Australia: The evidence-based case for legislative reform.

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