



[Review of particular criminal defences](#)

Domestic discipline

Section 280 of the Criminal Code provides a defence for the use of corporal punishment on children by parents, persons in place of a parent and school teachers.

What we know

Contemporary community attitudes:

- do not support a criminal justice response for parents who use minimal force to discipline their children, but do support criminal consequences where the force used is more significant, or where a child suffers injuries
- support a teacher's ability to use force for the purpose of management or control but not for discipline or correction.

Corporal punishment is:

- common in Australia, although its use is in decline among newer generations of parents
- ineffective, can result in long-term harm, and can be linked to an increased risk of physical abuse.

The defence is:

- inconsistent with the protection of the best interests and human rights of children
- unclear and potentially broad
- inconsistent with other laws and policies which prohibit the use of corporal punishment in government schools and in child care, in youth detention or an early childhood service
- operating in practice to prevent prosecution in a range of circumstances, including in cases where a child is injured or exposed to domestic and family violence.



We want to hear from you

Your submission is important and will help us develop our recommendations.

Share your views with us in any way. Send them to us by [email](#) or mail or upload them to our [website](#). **Submissions close 20 April 2025.**

You can also attend meetings and forums to share your views in March and April 2025. Details are shared on our [website](#), [newsletters](#) and [LinkedIn](#).

Corporal punishment is the use of physical force to cause pain, but not injury, for the purposes of discipline or correction. It usually involves smacking, but can also include pinching, slapping or using an implement such a wooden spoon or belt.

Physical abuse involves the use of force against a child that causes injury, harm, pain, or breach of dignity, or is likely to do so. It includes hitting, punching, kicking, shaking, choking and burning.

Reform options

We welcome your views on two potential reform options and any other options.

Option 1: Repeal the defence and introduce diversion and other supporting measures

This option would remove the defence and give children the same protection from assault as adults.

To address concerns that this could lead to parents being criminalised for the use of low-level corporal punishment, repeal should be accompanied by diversionary options and other supporting measures.

Diversionary options

Police and court-based diversionary options could divert parents who use low-level corporal punishment from the criminal justice system and support education and rehabilitation.

Other supporting measures

There should be a time delay of two years before the repeal takes effect to enable a statewide community

education and awareness campaign.

Other supporting measures could include a requirement to review the new laws and provide guidance to police and prosecutors.

A new defence for management or control?

We also seek views on whether there is a need for a new defence for parents, caregivers or teachers who use reasonable force to manage and control children in challenging circumstances, such as to prevent harm or injury to the child or others.

Option 2: Amend the defence to limit its scope and provide clarity

This option would **retain** a defence but limit its use to low-level corporal punishment.

This balances competing considerations of ensuring parents using minimal force are not criminalised and protecting the rights and best interests of children.

We suggest the defence could be amended in various ways, including:

- Limiting the defence so it could not be used in more serious cases involving physical injury.
- Providing legislative guidance to explain that the use of force is not reasonable in cases where injury is

caused, where implements are used, or where force is applied to a child's head, face or neck.

- Clarifying that force used in anger is not for the purpose of correction or discipline, or that reasonable force may be used for particular purposes that provide guidance about what is 'management and control'.
- Including definitions of 'parent', 'person in place of a parent' or 'teacher' to clarify who can use the defence.

For more information about the Review of particular criminal defences and to access the consultation paper and submissions form, please visit the [QLRC website](#) or scan the QR code.

