

# Review of the Domestic Discipline Defence

**PeakCare's Submission to the Queensland Law Reform Commission**

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# CONTENTS

<b>INTRODUCTION .....</b>	<b>3</b>
<b>ABOUT PEAKCARE .....</b>	<b>3</b>
<b>PEAKCARE'S SUBMISSION.....</b>	<b>3</b>
THE HARMFUL IMPACT OF CORPORAL PUNISHMENT.....	3
MISALIGNMENT WITH CHILD PROTECTION PRINCIPLES .....	5
CONTRADICTION WITH CHILDREN'S RIGHTS AND INTERNATIONAL OBLIGATIONS .....	6
FURTHER CONSIDERATIONS.....	7
<b>CONCLUSION .....</b>	<b>8</b>

## INTRODUCTION

PeakCare welcomes the opportunity to provide feedback on the Queensland Law Reform Commission's (QLRC) review of the Domestic Discipline Defence. We strongly support the abolition of this defence which is inconsistent with contemporary understandings of child development, children's rights, and the harmful impacts of corporal punishment.

As the peak body for child and family services in Queensland, we firmly believe every child deserves to grow up safe, supported, and free from violence whether at school, in the community, or in their own home. Queensland's laws must reflect this fundamental truth and uphold children's right to protection.

The current law permits the use of 'reasonable' force for discipline, a provision that contradicts modern child protection principles and Australia's international obligations under the United Nations Convention on the Rights of the Child (UNCRC). Physical punishment remains the most common form of violence against children and has been widely recognised as harmful to their development and wellbeing. As such, PeakCare urges the Queensland Government to take decisive action to repeal this outdated provision and replace it with legislative protections that ensure children's rights and safety.

Australia remains behind other countries in its failure to legally ban corporal punishment. The UNCRC has repeatedly criticised Australia's failure to explicitly prohibit physical punishment in the home. It remains legal in all eight states and territories. Yet 65 countries globally, including New Zealand, Sweden, Germany, and Scotland, have legislated against it. Australia must do better.

## ABOUT PEAKCARE

PeakCare is a not-for-profit peak body for child and family services in Queensland, providing an independent voice representing and promoting matters of interest to the non-government sector. Across Queensland, PeakCare has more than 100 members including small, medium, and large, local, state-wide, and national non-government organisations which provide prevention and early intervention, generic, targeted, and intensive family support to children, young people, families, and communities. Member organisations also provide child protection services, foster care, kinship care and residential care for children and young people who are at risk of entry to, or who are in the statutory child protection system and youth justice systems. A large network of associate members and supporters also subscribe to PeakCare. This includes individuals with an interest in child protection, youth justice and related services, and who are supportive of PeakCare's policy platform around the rights and entitlements of children, young people and their families to safety, wellbeing, and equitable access to life opportunities.

## PEAKCARE'S SUBMISSION

### The harmful impact of corporal punishment

Corporal punishment remains the most common form of violence experienced by Australian children, yet it is often minimised, mischaracterised as harmless, or even considered by some as a necessary tool for managing behaviour. Extensive research from Australia and around the world has consistently demonstrated corporal punishment is ineffective and harmful. As a legislatively

permissible form of domestic and family violence it undermines healthy child development, erodes trust, and contributes to a cycle of trauma and violence that can span generations.

Accurately determining the prevalence of corporal punishment in Queensland is challenging, as the Queensland Police Service and the Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS) do not systematically collect data on its use in the cases they assess and manage. In the absence of this routine data collection, national prevalence studies offer the clearest insight into how widespread the practice remains. The Australian Child Maltreatment Study (ACMS) 2024 provides the most comprehensive national data to date, finding that 58.4 per cent of young people aged 16 to 24 had been subjected to corporal punishment at least four times during childhood.<sup>1</sup>

A recent national survey also found that 53.7 per cent of Australian parents and caregivers reported having used physical punishment. While 75 per cent of those parents said they used it less than once a month, and just 1.1 per cent reported daily use, this remains a deeply concerning finding.<sup>2</sup> Even 1.1 per cent translates to thousands of children being subjected to physical punishment every day across Australia. In any other setting, regular use of physical force against children would trigger significant alarm and government agency intervention yet in the home, it remains culturally tolerated, even accepted and legally permitted, reflecting a failure to protect children from routine and preventable harm.

Frequency alone does not determine impact. Even infrequent use of corporal punishment can have significant consequences for a child's emotional and psychological wellbeing. Notably, 51 per cent of parents who use physical discipline acknowledge they probably shouldn't, signalling a growing societal shift and an openness to doing things differently, if the appropriate support is available.<sup>3</sup>

Despite this shift, one in four Australians continue to believe corporal punishment is necessary to raise children, highlighting just how deeply entrenched this practice remains in Australian parenting culture.<sup>4</sup>

Beyond its prevalence, the impacts of corporal punishment are unequivocally harmful. Research has consistently linked physical punishment with increased aggression, antisocial behaviour, anxiety, depression, and poorer academic outcomes. Experts have warned that even moderate physical discipline, such as occasional spanking, can alter brain development, lead to maladaptive coping behaviours, and increase the likelihood of future violence, both towards others and oneself.<sup>5</sup>

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<sup>1</sup> Haslam, D., et al. (2023). *The prevalence and impact of child maltreatment in Australia: Findings from the Australian Child Maltreatment Study – Brief Report*. Australian Child Maltreatment Study, Queensland University of Technology. [https://www.acms.au/wp-content/uploads/2023/04/3846.1\\_ACMS\\_A4Report\\_C1\\_Digital-Near-final.pdf](https://www.acms.au/wp-content/uploads/2023/04/3846.1_ACMS_A4Report_C1_Digital-Near-final.pdf)

<sup>2</sup> Haslam, D. M., et al. (2024). *The prevalence of corporal punishment in Australia: Findings from a nationally representative survey*. *Australian Journal of Social Issues*, 59(3), 580–604.

<sup>3</sup> Australian Institute of Family Studies. (2021). *What does the evidence tell us about physical punishment of children?*. Australian Government.

<sup>4</sup> Queensland Family and Child Commission. (2025). *Corporal punishment: Research review*. Queensland Government. <https://www.qfcc.qld.gov.au/sites/default/files/2025-03/Corporal%20punishment%20-%20Research%20review.pdf>

<sup>5</sup> Australian Institute of Family Studies. (2021). *What does the evidence tell us about physical punishment of children?*. Australian Government.

The harm caused by corporal punishment is not just individual, it is structural and systemic. Normalisation of corporal punishment in the home sends a message that violence is an acceptable form of control, blurring the boundary between discipline and abuse. It also contradicts the very principles of trauma informed practice and erodes the foundation of our child protection system, which is built on the rights of children to be safe, supported, and heard.

The intergenerational nature of corporal punishment must also be acknowledged. Many parents who use physical discipline were themselves physically punished as children. Without clear legal boundaries, public education, and access to evidence on appropriate alternatives, this cycle continues, not out of malice, but from generationally inherited norms and a lack of practical support for families. This reality reinforces the importance of legislative reform as a catalyst for positive social change, one that must be accompanied with a strong investment in education and parenting supports that are accessible, inclusive, and culturally appropriate.

Corporal punishment is a form of domestic and family violence. It does not teach, guide, or nurture, it harms. It has no place in modern parenting, and it has no place in laws designed to protect children from harm.

PeakCare recommends the repeal of Section 280 of the Criminal Code to remove the legal defence of corporal punishment, ensuring children are afforded equal protection from violence in all contexts, including the home. This legislative reform should be supported by a fully funded, coordinated public education campaign and investment in accessible, culturally responsive, evidence-based parenting supports.

Removing the legal defence of corporal punishment by repealing section 280 of the Criminal code ensures all Australian children are afforded equal protection from violence, especially in the home. This reform is essential to align Queensland's legal framework with contemporary child protection principles and Australia's international human rights obligations, including the United Nations Convention on the Rights of the Child.

This legislative change must be supported by a clear, strengths based public education campaign that communicates the intent of the reform, addresses common misconceptions, and promotes safe, effective alternatives to physical punishment. Messaging should emphasise that this is about creating a safer environment for children and supporting families to thrive. We recommend the messaging is inclusive of diverse communities and co designed with parents, young people, Aboriginal and Torres Strait Islander leaders, and culturally and linguistically diverse stakeholders.

PeakCare further recommends increased investment in the availability and accessibility of evidence informed, nonviolent parenting programs, and that they be embedded across early childhood, education, health, and community services to ensure families have access to timely, practical support.

## Misalignment with Child Protection Principles

The continued legal acceptance of corporal punishment in Queensland is fundamentally at odds with contemporary child protection policy and practice. While the *Child Protection Act 1999* clearly states that the safety, wellbeing, and best interests of the child are paramount, Section 280 of the *Criminal Code* permits the use of physical force against children under the guise of "reasonable"

discipline.<sup>6</sup> This legal contradiction undermines the very principles that Queensland's child protection system is built upon.

Permitting corporal punishment in law not only compromises the consistency of our legal and policy frameworks, but also sends contradicting messaging to parents, carers, and professionals about what constitutes safe and acceptable behaviour. It creates legal and ethical dissonance between the *Criminal Code* and the *Child Protection Act 1999*, weakening the ability of child protection and family support systems to intervene early and effectively. This inconsistency ultimately leaves children less protected.

We believe it is time to align our legal systems and reinforce a zero tolerance approach to violence against children and uphold their right to safety, dignity, and care. Maintaining a legal defence that permits the physical punishment of children is incompatible with these recommendations and undermines Queensland's aspiration to be a truly child safe state.

As the Queensland Family and Child Commission notes, attitudes toward corporal punishment are already shifting, particularly among younger parents, and legal reform is essential to support and accelerate this cultural change.<sup>7</sup> Reforming Section 280 is not just a legal imperative; it is an opportunity to create a clear, unified message across all systems: that violence against children is never acceptable.

To complement the repeal of Section 280 of the *Criminal Code*, PeakCare further recommends the development of consistent messaging and training for professionals working in child protection, education, healthcare, law enforcement, and justice. This will ensure systems-wide understanding of the law reform, strengthen the capacity of frontline workers to respond appropriately to incidents of corporal punishment, and promote a shared commitment to creating child-safe environments at home and in the community.

## Contradiction with Children's Rights and International Obligations

Queensland's continued legal acceptance of corporal punishment is inconsistent with international human rights obligations and undermines Australia's reputation as a country committed to the safety and wellbeing of children. Australia ratified the UNCRC in 1990, committing to protect children from all forms of physical and mental violence, including within the home. Article 19 of the UNCRC specifically obligates state parties to take legislative, administrative, and educational measures to protect children from all forms of harm, "while in the care of parent(s), legal guardian(s), or any other person who has the care of the child".<sup>8</sup>

Despite this, corporal punishment in the home remains lawful in Queensland under Section 280 of the *Criminal Code*. The UNCRC has repeatedly criticised Australia for its failure to fully prohibit corporal punishment across all jurisdictions and settings and has specifically recommended

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<sup>6</sup> Criminal Code Act 1899 sch 1 (the Criminal Code) s.280.

<sup>7</sup> Queensland Family and Child Commission. (2025). *Corporal punishment: Research review*. Queensland Government. <https://www.qfcc.qld.gov.au/sites/default/files/2025-03/Corporal%20punishment%20-%20Research%20review.pdf>

<sup>8</sup> United Nations Office of the High Commissioner for Human Rights. Convention on the Rights of the Child (1989). <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

Australia pass legislation to explicitly ban all corporal punishment of children and raise public awareness about its harmful effects.

Globally, more than 65 countries, including New Zealand, Sweden, Scotland, and Germany, have legislated to prohibit corporal punishment in all settings.<sup>9</sup> Australia is increasingly isolated on the international stage in maintaining legal defences that allow physical punishment in the home. As long as this legal loophole exists, Queensland remains non-compliant with its international obligations and falls short of best practice standards in child protection.

This contradiction undermines not only our legal commitments but also the credibility of Queensland's broader child safety and rights agenda. It weakens the moral and legal foundation on which trauma-informed, child-centred policies are built and sends a message that some forms of violence against children are accepted.

PeakCare believes strongly that the repeal of Section 280 of the Criminal Code is immediately required, to bring Queensland into alignment with its obligations under the UNCRC. Legislative reform is essential to demonstrate Queensland's commitment to international child rights standards and its leadership in creating child-safe communities.

We further recommend that this reform be supported by education and advocacy initiatives that promote children's rights, raise awareness of Australia's international commitments, and affirm the message that children, like adults, have the right to live free from all forms of violence.

## Further Considerations

### Implementation of Alternative Approaches

Legislative change must be supported by policy and community education initiatives that promote non-violent disciplinary methods. We recommend:

- Promoting non-violent parenting strategies, such as positive reinforcement, effective communication, and conflict resolution techniques.
- Expanding parenting support programs to assist families in transitioning away from physical punishment and adopting evidence-based disciplinary practices.
- Integrating education on positive discipline into school curriculums and early childhood education settings to ensure a consistent approach to child development and behaviour management.

### Public Awareness and Sector Training

To support the successful implementation of these reforms, PeakCare advocates for a strong focus on public awareness and sector training. We recommend:

- The development of community education campaigns to inform parents, carers, and the broader public about the harms of corporal punishment and the benefits of alternative discipline strategies.

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<sup>9</sup> Saunders, B. J., & Goddard, C. R. (2025). *Corporal punishment of children in Australia: The evidence-based case for legislative reform*. *Child Abuse Prevention*, 49(2), 123–137. <https://doi.org/10.1016/j.chiabu.2025.01.015>



- The provision of training for health practitioners, educators, child protection workers, and legal professionals to enhance their ability to identify and respond to cases of corporal punishment effectively.
- The strengthening of child safeguarding policies across all institutional settings to ensure the continued protection of children from physical punishment and other forms of harm.

**Recommendation:** PeakCare recommends the repeal of Section 280 of the *Criminal Code* to remove the legal defence of corporal punishment, bring Queensland into alignment with its obligations under the UNCRC and ensure all Australian children are afforded equal protection from violence, especially in the home.

We recommend that the amendment is supported by education, training and advocacy initiatives targeting parents, professionals working with children and the broader community.

## CONCLUSION

PeakCare Queensland urges the Queensland Government to take immediate and decisive action in abolishing the Domestic Discipline Defence and adopting non-violent, evidence-based disciplinary approaches. The legal framework must reflect modern child protection principles and ensure that children are safeguarded from all forms of violence, including corporal punishment. Legislative reform, combined with public education and fully funded support programs, will be essential in shifting societal attitudes and promoting safer, healthier environments for children.

We appreciate the opportunity to contribute to this important consultation and look forward to continued engagement on this issue.

Yours sincerely,



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