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Queensland Law Reform Commission

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Brisbane, QLD 4003

Via online: qlrccriminaldefence@justice.qld.gov.au

14 April 2025

Re: Consultation on Section 280 of the Criminal Code (Domestic Discipline)

Dear Commissioners,

I write in strong support of Option 1: Repeal the defence of domestic discipline in section 280 of the Criminal Code.

I am a Professor of Social Work at Cardiff University and an international expert on children's safeguarding. Between 2015 and 2022, I was the Children's Commissioner for Wales, UK, with a legal remit to safeguard and promote children's rights under the UN Convention for the Rights of the Child. During my term of office, I was substantially involved in proposing, scrutinising and advising on the Welsh Parliament's legislation to remove the legal defence for the physical punishment of children.

In January 2020, the Welsh Parliament passed the *Children (Abolition of Defence of Reasonable Punishment) (Wales) Act* to repeal the "reasonable punishment" defence. The Act states that "corporal punishment of a child taking place in Wales cannot be justified in any civil or criminal proceedings on the grounds that it constituted reasonable punishment." The Act also compels the Welsh Government to promote public awareness and to monitor and report on the

impacts of the ban three and five years after coming into force. The Act received Royal Assent on March 20, 2020 and came into force two years later.

The legislation is therefore relatively new in Wales, nonetheless, it has to date proved to have a positive effect.

First, public support for the necessity of corporal punishment for children declined rapidly between 2019 and 2022, largely stabilizing thereafter. Now only a small minority of parents of younger children are in favour of corporal punishment and there is also only minority support amongst the general population. Awareness that the law does not allow parents to smack children is high at over 90% of the general population. The majority of the population support the change in legislation, despite a majority opposing it prior to the successful passing of the legislation.

Second, there has been no wave of prosecutions as feared by some. Figures for parents referred to the Crown Prosecution Service for the corporal punishment of children in the first two years were reported to be '0-5' in number and no convictions have been reported in the media (prosecution statistics will be available later this year). In the last year, 125 parents have been referred for parenting support in relation to corporal punishment and 115 have taken up this offer. This is an alternative option to prosecution and is undertaken by experienced parenting support staff. In the last year, 90 parents who completed an evaluation form have reported a positive outcome, defined as improved child behaviour or increased parental wellbeing or efficacy.

Our government has been very clear that the legislation is to prevent the use of physical force and the infliction of pain as a punishment. Parents are not prohibited from keeping their children safe by preventing them running on the road or touching a hot stove. They can carry out all usual parenting tasks.

Professionals such as health and social service workers are now able to have unambivalent conversations with parents and carers about how to keep their children safe and provide guidance for their behaviour, without having to have discussions or debates about whether it is acceptable to hit a child for correction, or indeed how hard they may be hit. Instead, a clear message about the illegality of using violence against any household member – child or adult – can be given consistently and without caveats.

Fuller reports on the impact of the Welsh legislation to date may be found here:

[The Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020: April 2023 to March 2024](#)

[Public attitudes to physical punishment of children: wave 7 survey, November 2023 | GOV.WALES](#)

Further information about the passing of the legislation, including the accompanying guidance and public information campaign, may be found in my article here: Holland, S. 2023. "Removing the "Reasonable Punishment" defence

in Wales". *Canadian Journal of Children's Rights*, 10(1), pp. 142-163.
([10.22215/cjcr.v10i1.4277](https://doi.org/10.22215/cjcr.v10i1.4277))

Yours faithfully,

SAL Holland

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