



15 April 2025

President Fleur Kingham
Chair of the Queensland Law Reform Commission (QLRC)
By email: lawReform.Commission@justice.qld.gov.au

Dear President Kingham

I am writing in relation to your request for feedback on your criminal defences review, *Equality and integrity: Reforming criminal defences in Queensland*. I am specifically addressing domestic discipline.

As National Children's Commissioner, I support repealing section 280 of the Criminal Code which provides the defence of domestic discipline, and introducing police and court based diversionary options to divert parents who use low level corporal punishment from the criminal justice system and support education and rehabilitation. However, I do not support a time delay of two years before the changes come into force.

We already have evidence about the adverse effects of corporal punishment in childhood, including in findings from the recent Australian Child Maltreatment Study <https://www.australianchildmaltreatmentstudy.org/the-prevalence-of-corporal-punishment-in-australia/> and the evidence based research provided in a paper by the Australian Institute of Family Studies located at https://aifs.gov.au/sites/default/files/publication-documents/2107_physical_punishment_resource_sheet_0.pdf

A public education and awareness campaign about the changes to the law and alternatives to physical discipline should be run concurrently with repealing section 280 of the Criminal Code.

The Australian Human Rights Commission examined the issue of corporal punishment in its Children's Rights Report 2019—*In Their Own Right: Children's Rights in Australia*, tabled in federal parliament. We recommended that all Australian Governments remove legal defences for the use of corporal punishment across all education, care and private settings, and implement educational programs for parents, carers and educators.

We also highlighted the UN Committee on the Rights of the Child's Concluding Observations (2019) on Australia, with respect to corporal punishment. The UN Committee urged the Australian Government to explicitly prohibit corporal punishment in law in all settings, including in homes, public and private schools, detention centres and alternative care settings, and repeal the legal defence of 'reasonable chastisement'.¹ It also recommended the development of awareness raising and education campaigns to promote positive and alternative forms of discipline, and the adverse consequences of corporal punishment.²

The United Nations Committee on Persons with Disabilities also has concerns about the impact of a lack of prohibition of corporal punishment on children with disabilities. This United Nations Committee has urged Australia to establish a nationally consistent legislative and administrative framework for the protection of all persons with disabilities, including children, from psychotropic medication, physical restraint and seclusion under the guise of 'behaviour modification' and the elimination of restrictive practices, including domestic discipline/corporal punishment, in all settings.³

On 12 March 2025, during the 58th session of the Human Rights Council, 40 countries ([list of 40 supporting States](#)) made a first-ever [joint statement](#) addressing children's fundamental right to protection from all corporal punishment. They identified this as a human rights priority for children with countries obliged to prohibit by law all corporal punishment of children, including in the home, and ensure it is eliminated in practice through awareness-raising, training, and provision of support for families.

The statement notes that:

Almost twenty years ago, the UN Secretary General called for the universal prohibition of all corporal punishment. Multiple treaty bodies and regional mechanisms have also condemned it, recognizing it as a clear violation of children's human rights...Yet, in over 125 States, corporal punishment remains legally permissible continuing to undermine the human rights, dignity and wellbeing of children.

The statement asks all remaining countries to prohibit and eliminate all corporal punishment in light of the overwhelming evidence.

It is also anticipated that a new World Health Organisation technical report on corporal punishment will be launched later in 2025.

I will continue to raise the adverse effects of domestic discipline with federal, state and territory governments in reports, meetings and other opportunities where relevant.

Thank you for the opportunity to provide feedback to your review. Please advise if we can assist further.

Yours sincerely



Anne Hollonds
National Children's Commissioner



¹ United Nations Committee on the Rights of the Child, *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Australia*, 82nd Sess, UN Doc CRC/C/AUS/CO/5-6 (30 September 2019) para 28(a).

² United Nations Committee on the Rights of the Child, *Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Australia*, 82nd Sess, UN Doc CRC/C/AUS/CO/5-6 (30 September 2019) para 28(b).

³ United Nations Committee on the Rights of Persons with Disabilities, *Concluding Observations on the Combined Second and Third Reports of Australia*, Advanced unedited version, CRPD/C/AUS/CO/2-3 (23 September 2019) para 30(a).