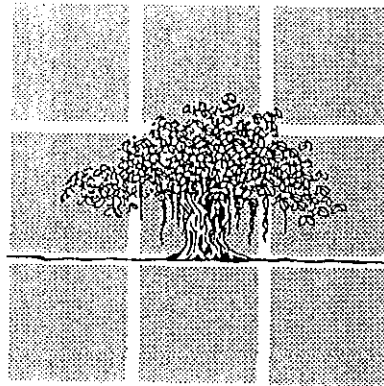


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CORPORAL
PUNISHMENT
IN AUSTRALIAN SCHOOLS:
A Northern Territory
perspective

Research Paper No.13
July 1996

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CORPORAL PUNISHMENT
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Charles Brister

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2. INTRODUCTION

This paper will investigate the history and issues surrounding corporal punishment in Australian Schools, particularly with regard to the ongoing public debate in the Northern Territory. To begin, this paper will examine the legal status of corporal punishment in schools at an international level. Attention will then focus on the various approaches to school discipline by Australia's states and territories, in particular, those behavioural management strategies that are promoted as alternatives to corporal punishment. Emphasis will be placed on school discipline in the Northern Territory in order to provide greater insight into the issues surrounding the current debate on corporal punishment.

3. INTERNATIONAL POSITIONS ON CORPORAL PUNISHMENT IN SCHOOLS

Corporal punishment refers to intentional application of physical pain as a method for changing behaviour.¹

In the western industrialised world there are few countries that still allow the use of corporal punishment as a form of school discipline. It has been abolished in all countries in Europe (apart from the United Kingdom), along with other countries outside of Europe including Israel and Japan. In the United States of America (USA), legislation on corporal punishment occurs at a state level and it is still allowed in as many as 30 states. In the USA, the debate on corporal punishment has strong support on both sides. Studies in the mid 1980s indicated that almost 50% of the American population were in favour of corporal punishment in schools.² (see reading 1)

In 1987, the National Coalition to Abolish Corporal Punishment in Schools was formed by a number of prominent American medical, legal, parent and education groups. The aim of this organisation was to ban all forms of corporal punishment in schools in America.³ In 1995, the Republican Governor of Alabama signed in a 'teacher immunity law' which forced school boards to back up teachers who had been taken to court by a parent for spanking a student.⁴ (see reading 2)

4. CORPORAL PUNISHMENT IN AUSTRALIAN SCHOOLS

In Australia, as in the USA, legislation on corporal punishment occurs at a state and territory level. However, at an international level the Federal Government has given its support to the banning of corporal punishment as a means of discipline. In 1990, Australia ratified the *United Nations Convention on the Rights of the Child*. The Convention sets the minimum standard for the protection of the human rights of the

¹ The Society for Adolescent Medicine.(position paper) *Corporal Punishment in Schools*.
<http://www3.uchc.edu/~sam/corp-pun.html>, p.1.

² *Ibid.* p.3.

³ *Ibid.* p.1.

⁴ Donohue, J.W. "Brandishing the Rod", *America*, Issue 1, Vol. 174, 13.1.1996.

child. Two articles in particular in the Convention call into question the use of corporal punishment as a form of school discipline:

Article 19.1

State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child.⁵

Article 28.2

State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.⁶

By ratifying the treaty, Australia committed itself to implementing the Convention's recommendations.

In 1994, the Commonwealth released *Sticks and Stones: Report on violence in Australian schools*. The report found that better management of violent and disruptive school behaviour had little to do with school discipline policies that involved the escalation of greater punitive measures. Instead, it was about providing students with understanding, respect and support as well as developing a sense of identity and self achievement. In addition it was recommended that educational alternatives should be introduced for those who needed specialised teaching or counselling.⁷

Schools that tackled discipline effectively had, with the involvement of students and parents, developed clearly stated sets of rights and responsibilities, with fair and

⁵ United Nations General Assembly. *Convention on the Rights of the Child*, Forty - fourth session, Agenda item 108. 5.12.1989, p.10.

⁶ *Ibid.* p. 14.

⁷ Parliament of the Commonwealth of Australia. House of Representatives Standing Committee on Employment, Education and Training, *Sticks and Stones: Report on violence in Australian schools*. Canberra: AGPS, March 1994. p.2.

consistent sanctions reached by a consensus. The development of self esteem, self discipline and appropriate behaviour in school (and society) has become an integral part of the teaching process.⁸

Nevertheless, legislation on corporal punishment remains in the hands of the states and territories and each has taken its own path in dealing with this aspect of school discipline in state schools.

With regard to private schools, the defence of 'lawful correction', whether it is under common law or the relevant state Criminal Code, is available to all teachers in private schools based upon a delegation of parental authority. The extent to which corporal punishment is practiced in private schools Australia - wide is unknown as there are no available statistics.⁹ (for further information on 'lawful correction' - see reading 3)

(a) Victoria:

In Victoria, pressure to abolish corporal punishment in state schools began as early as the 1970s. It was finally banned by the state Labor government in 1983. Private schools were not affected by the legislation and the decision whether to use corporal punishment remains with the school itself. Not all school teachers were happy with abolishment of corporal punishment and many felt that their authority would be undermined by those bullies and disruptive students who believed they had greater freedom to misbehave.¹⁰ These teachers and their supporters were concerned that educational authorities and teachers had yet to find new techniques to effectively deal with undisciplined and disruptive students. Instead, greater emphasis was placed on existing methods, such as suspension, as an alternative to corporal punishment. Following a student's suspension, school authorities, parents and the suspended student attend an inquiry panel to discuss ways in which to improve the student's behaviour. Off - site teaching centres were also established to deal with disruptive students in an effort to modify their behaviour before returning them to their school.¹¹

⁸ Ibid.

⁹ Cashmore, J. & de Hass, Nicola. *Legal and Social Aspects of the Physical Punishment of the Child: A discussion paper commissioned by the Commonwealth Department of Human Services and Health under the auspices of the National Child Protection Council.* Canberra: AGPS, May 1995. p.50.

¹⁰ Slee, Roger. "Changing Discipline Policy in Victorian Schools", in Roger Slee (ed) *Discipline in Australian Public Education: Changing policy and practice.* Victoria: ACER, 1992. p.19.

¹¹ Ibid, p.18.

Following the abolition of corporal punishment a number of unforeseen problems arose. Student suspensions in Victorian schools increased steadily. In Victoria in 1990, over 11,000 students had been suspended from school, double the number of six years previously.¹² The accompanying increases in inquiry panels created a backlog and placed a significant strain on school resources as well as delaying the return to school of many suspended students. There were also concerns that a student who had been suspended would become labelled as a potential troublemaker, a label that would have a negative effect on the student's attitude to school. In addition, off - site teaching centres, although popular, often failed in their objectives to reintegrate the student into school life¹³.

It soon became clear that while educational authorities in Victoria were attempting to develop alternative techniques to deal with discipline besides corporal punishment, in practice they had essentially replaced one punitive measure with another. In doing so they had done little to address the actual issues of student misbehaviour.

More recently, a number of Victorian schools have tried to incorporate the issue of discipline as part of an overall education strategy. These strategies include the **whole of school** or **pastoral school** approach, which places greater emphasis on student self - discipline by developing a deeper awareness of the rights and responsibilities of teachers, students and parents regarding schooling. By using these methods, teachers encourage students to have greater involvement in working out alternative strategies to combat disruptive behaviour through student councils or by applying methods such as peer tutoring, buddy systems and cross age tutoring.¹⁴

(b) New South Wales:

New South Wales (NSW) took steps to address the issue of corporal punishment in the early 1980s. The NSW Government appointed a committee to investigate discipline in schools. The subsequent report, *Self Discipline and Pastoral Care*, recommended that each school devise a discipline policy in close consultation with other members of the school community, such as students and parents. Although the issue of corporal punishment was to be left to local school councils the committee

¹² Balson, Maurice. *Understanding Classroom Behaviour*. Victoria: ACER, 1992. p.v.

¹³ Slee, *op.cit.* p.28.

¹⁴ *Ibid.* p.38.

members voiced their opposition to the practice.¹⁵ They were not without support. As early as the 1970s the Teachers Federation had announced an 'in principle' opposition to corporal punishment. However, the current physical, learning and social conditions meant that a large number of teachers were confronted with indiscipline and it was agreed that corporal punishment remain in schools until conditions improved.¹⁶ It was not until 1986 that the Teachers Federation finally implemented a ban preventing all members from using corporal punishment. The call for the abolishment of corporal punishment had been supported by a number of groups for many years including the influential Parents and Teachers Against Violence in Education (PTAVE). In 1986, the NSW Labor Minister for Education, Rodney Cavalier, advised state schools to revise their discipline policies in anticipation of the abolishment of corporal punishment at the beginning of 1987.¹⁷

It seems, however, that Cavalier misjudged the general feelings of the NSW population despite the influence of pressure groups opposed to corporal punishment. The Liberal National Party argued that corporal punishment should not only remain but should also be used on girls as well as boys. A subsequent poll indicated that the Opposition received majority support in NSW for their strong stance on school discipline. In 1988, the Liberal National Party won government in NSW and reintroduced corporal punishment as a means to discipline students with unacceptable behaviour. As promised, corporal punishment could be administered on both boys and girls.¹⁸

The reintroduction of corporal punishment into schools was not without its difficulties. Lawyers for the government advised there would be legal confusion over whether corporal punishment violated the *Child Care and Protection Act 1987*. The Teachers Federation maintained its ban and refused to provide legal aid to its members if they were taken to court over corporal punishment. Legal issues aside, most state schools continued to use alternative measures such as suspension to

¹⁵ Seymour, Brenda. "A Sparse Sparing of the Rod: The changing status of student welfare and discipline in New South Wales Schools.", in Roger Slee (ed) *Discipline in Australian Public Education: Changing policy and practice*. Victoria: ACER, 1992. p.45.

¹⁶ *Ibid.* p.46.

¹⁷ *Ibid.* p.48.

¹⁸ Cashmore & de Haas. *op.cit.*, p.47.

discipline disruptive school students.¹⁹ Legislation on corporal punishment was changed once again in 1995 when the NSW Labor government brought in the *Education Reform Act* to abolish corporal punishment in all state schools.²⁰ (see reading 4) NSW has also become the first state to introduce legislation to abolish corporal punishment in private schools.

(c) Western Australia:

Up until the late 1980s in Western Australia corporal punishment was one of three disciplinary options open to teachers; disruptive students could also be forced to attend after - school detention or be suspended. Corporal punishment was only allowed as a last resort in instances of “wilful and persistence disobedience, gross impertinence or offence against morality”.²¹ Furthermore, corporal punishment could only be carried out by a principal or nominated deputy and all acts had to be recorded and brought to the attention of a district superintendent. Generally, except in extreme cases, girls over twelve years of age were excluded from corporal punishment.²²

In 1980, Western Australian secondary school principals attending an annual conference called for a greater investigation into the issue of disruptive behaviour with the aim of better handling and prevention of the problem. A number of government committees in the early 1980s were set up to investigate the issue and they reported that corporal punishment be replaced with other measures to deal with disruptive students. In 1987, regulations allowing the use of corporal punishment were repealed and it was prohibited by Education Department policy.²³ Principals were granted the authority to suspend students for no more than ten days and to recommend to the Western Australian Education Minister that the child be excluded from school. Off - site withdrawal centres were also established for severely disruptive students. Resources were made available to schools to set up staff development programs and projects to enable teachers and educational authorities to cope with disruptive behaviour from students. Schools were expected to develop their own policy on

¹⁹ Seymour. *Op.cit.* p. 56.

²⁰ New South Wales Consolidated Acts. *Education Reform Amendment (School Discipline) Act 1995-SECT 3*. http://www.austlii.edu.au/cgi-bin/sinodisp.pl/au/legis/nsw/consol_act/erada1995409/s3.html

²¹ Hyde, Norm. “Discipline in Western Australian government schools”, in Roger Slee (ed) *Discipline in Australian Public Education: Changing Policy and Practice*. Canberra: ACER, 1992. p.67.

²² *Ibid.*

²³ Cashmore & de Haas. *Op.cit.* p.47.

discipline and recent studies have shown that many Western Australian schools are adopting more proactive techniques such as the pastoral school approach. Emphasis is placed on creating a caring environment for students, where the building of self esteem and self discipline is encouraged.²⁴ However, a common law defence still exists in the *West Australian Criminal Code* which protects teachers who administer corporal punishment to a child.

West Australian Criminal Code: section 257

It is lawful for a parent or person in place of a parent, or for a schoolmaster or master to use by way of correction, towards a child, pupil or apprentice under his care, such force as is reasonable under the circumstances.²⁵

As with Victoria, there is no legislation in Western Australia banning corporal punishment in private schools.

(d) South Australia:

In 1987, the South Australian Labor Government announced its intention to abolish corporal punishment in state schools. Unlike other state and territory governments, the South Australian government embarked on a five year phasing out period to allow schools to develop alternative techniques in disciplining students to the commonly used corporal punishment technique. A questionnaire sent to 700 South Australian state schools found that 140 of them had used corporal punishment in one year. Schools that practiced corporal punishment were asked to look at other schools who effectively used alternative measures to deal with disruptive students.²⁶

Many of the schools that successfully dealt with discipline had adopted a whole of school approach where a consistent learning environment is set up making all students the responsibility of all the teaching staff. This allowed teaching staff to develop a behavioural management policy that prevented students from exploiting the

²⁴ Hyde. *Op.cit.* p.70.

²⁵ *Ibid.* p.18.

²⁶ Johnson, Wendy. "South Australia: From good school practices to effective policy", in Roger Slee (ed) *Discipline in Australian Public Education: Changing Policy and Practice*. Canberra: ACER, 1992. p.80.

inconsistencies in teacher behaviour. Central to this policy was the need to teach students to learn the consequences of their behaviour in a way that did not escalate into increasing levels of severity in punishment. In fact, the consequences for disruptive behaviour remained the same while the students themselves were encouraged, along with the school community, to work out ways in which to address their behavioural difficulties. It was argued by its supporters that this approach to student behaviour management was more democratic than previous authoritarian techniques where the development of a student's reasoning abilities and self discipline are seen as the main factors in improving student behaviour.²⁷

Taking note of the success of these schools the South Australian Education Department began formulating its own behaviour management policy package incorporating many of the techniques used in the whole of school approach.²⁸ Following feedback from the school community the Education Department released its student behaviour management policy in 1989, two years before the end of the phasing out period. Entitled *School Discipline: The Management of School Behaviour*, the policy package provided a framework in which local schools could adapt to their own conditions. A working party, set up to examine services provided to students with social and behavioural difficulties, suggested the extensive use of counsellors to help disruptive students adapt to school life. Following the release of the policy, the Catholic Education System in South Australia announced it would develop its own policy along similar lines to the government. In 1991, corporal punishment was abolished in South Australia.²⁹

(e) Australian Capital Territory:

In 1979 the Australian Capital Territory (ACT) Schools Authority released its policy *Discipline in Schools*. The policy paper provided guidelines and procedures on a number of disciplinary options, including corporal punishment. However, it was also recommended that schools aim at abolishing corporal punishment in the future.³⁰

²⁷ *Ibid.* p.84.

²⁸ *Ibid.* p.88

²⁹ *Ibid.* p.101.

³⁰ Stoddart, Jim. "School - based Discipline Policies and Procedures in the Australian Capital Territory", in Roger Slee (ed) *Discipline in Australian Public Education: Changing policy and practice*. Canberra: ACER, 1992. p. 148.

These recommendations were backed up by another ACT Schools Authority report in 1985. The report, *A Study of Discipline Policies and Practices in ACT Government Schools*, proposed that alternative behaviour management strategies be used to curb disruptive behaviour in schools.³¹ By 1988, corporal punishment had been abolished in all ACT state schools in favour of a whole of school approach.

(f) Tasmania:

In Tasmania, corporal punishment is still legal. However, Tasmania has since the mid 1980s adopted a preventative approach to discipline policy where emphasis is on creating a positive learning and social environment. When corporal punishment is used it must be administered by a school principal or authorised senior teacher. Punishment involves the use of cane or strap on the hand. Girls can also receive corporal punishment but only in extreme cases involving defiance. Punishment must not be conducted in front of a class and must be recorded in a punishment book.³²

(g) Queensland:

In Queensland, corporal punishment is restricted in state schools to boys over a certain age and is carried out by the principal. Parents have no right to veto corporal punishment in schools. In the early 1990s Queensland embarked on a four year phasing out plan of corporal punishment, even though the then Liberal Opposition had called for corporal punishment to remain³³. Recently, regulations allowing the use of corporal punishment in state schools have been omitted, although not repealed, from the *Education Act*. However, the *Queensland Criminal Code Act 1899* may still allow teachers some leeway in the use of corporal punishment using the defence of 'lawful correction'.

³¹ *Ibid.* p.149.

³² Cashmore and de Haas. *Op.cit.* p. 47.

³³ Slee, Roger. "Pathologies of School Violence", in J. Bessant, K. Carrington, & S. Cook. (eds) *Journal of Australian Studies: Cultures of crime and violence - The Australian experience*, Number 43, 1995. p.16-23.

Queensland Criminal Code Act 1899: Domestic discipline - section 280.

It is lawful for a parent or a person in the place of a parent, or for a schoolteacher or master, to use, by way of correction, towards a child, pupil, or apprentice, under the person's care such force as is reasonable under the circumstances.³⁴

5. CORPORAL PUNISHMENT IN NORTHERN TERRITORY SCHOOLS:

Although corporal punishment is legal in state and private schools in the Northern Territory (NT), it is prohibited in day care centres (by licensing conditions) and juvenile detention centres (by government statute). However, since 1986, alternative behaviour management strategies and teacher training programs have been implemented to help teachers deal with disruptive students in state schools. In many schools, punishment is in the form of issuing warnings to a disruptive student. If a student fails to heed these warnings then punishment gradually escalates until the behaviour desists. The levels of response and nature of punishment vary according to decisions of school councils, and can result in suspension, dismissal and, on occasion, corporal punishment. If disruptive behaviour continues then a behaviour management team is consulted to address a student's behavioural difficulties.³⁵ (for an example of an NT School's discipline policy - see reading 5)

NT Government Ministers have also advocated other means for dealing with disruptive behaviour in schools. In 1992, the then Minister for Correctional Services, Mike Reed, mentioned the issue of school discipline in a statement on *Initiatives and Programs Relating to Juvenile Crime*. Reed noted that juvenile offenders (and disruptive students) should be made aware of the consequences of their behaviour. Students who had been suspended were to be sent to special schools running

³⁴ State of Queensland. *Queensland Criminal Code Act: The Criminal Code. Reprinted as in force on 26 March 1994 (includes amendments up to Act No. 70 of 1993)* Queensland: V.R. Ward, Government Printer, 1994. p.172.

³⁵ Cartwright, Gary. *Hansard*. Legislative Assembly of the Northern Territory, Sixth Assembly, First Session, 18.11.92. p.6758-6759.

programs focusing on modifying behaviour so that students could return to school without causing further disruption to classes.³⁶

The then Minister for Education, Shane Stone, argued that the school and home are the two most important socialising agents through which children mature and develop. Stone argued that most anti - social behaviour started from a lack of discipline and adherence to standards in these areas.³⁷ However, in dealing with disruptive behaviour in school, Stone advocated the use of civic education programs in the classroom to instil pride in school and:

To enable all students to achieve respect for others, to develop values which enable students to participate as active and informed citizens and to develop a capacity to exercise judgment in matters of morality, ethics and social justice³⁸

Stone also wanted school councils themselves to get some degree of consistency throughout the school system with regard to school discipline. Stone proposed that councils set up an agreed prescriptive code of punishment with established levels of response that increased in severity and culminated in expulsion.

Behavioural management strategies have been in practice in some schools in the Northern Territory since the 1980s. At Sanderson High School, a unique behavioural management policy had already been developed before the official opening of the school in 1985. Influenced by the whole of school/pastoral school approach, the issue of behaviour management was incorporated into the school's educational curriculum. For teaching staff, student discipline plays an integral part in the relationship between self esteem and teaching. Staff, students and parents were all involved in the development of suitable discipline policies. Students were to be treated as individual beings rather than being part of a whole class. As a result, it was easier for students to become aware of and to accept responsibility for their own actions and to realise that

³⁶ Mike Reed (Minister for Correctional Services). "Initiatives and Programs Relating to Juvenile Crime", *Ministerial Statement* 18.11.92, p.4.

³⁷ Stone, Shane. *Hansard*. Legislative Assembly of the Northern Territory, Sixth Assembly, First Session, 18.11.92. p.6761 - 6766.

³⁸ Stone, Shane. *Ibid.* p.6761.

consideration and care for others and the property of school is essential.³⁹ In addition to these measures, classes were split up into units that lasted ten weeks and which students chose to do according to their ability. The relatively short time of these units helped to avoid any negative feelings that students might begin to feel over longer class structures, and gave students regular opportunities to celebrate self esteem on completion of their units.⁴⁰ Many other schools in the NT take preventative measures by publishing leaflets and booklets that outline the various rights and responsibilities for students, teachers and parents.

As a result of the recommendations of the Commonwealth's *Sticks and Stones* report, the NT Department of Education received funding in late 1995 to present effective ways of dealing with violence in schools. An advisory forum was established that incorporated representatives from the Department of Education, the Catholic Education System, parent groups, the Northern Territory University and the Australian Education Union. The aim of the forum is to identify and share the principles of good practice in dealing with disruptive behaviour in NT schools. The findings of the forum will also aid the development of recommendations to the Commonwealth Department of Education, Employment and Training (DEET).⁴¹

In May 1996, the issue of corporal punishment became a newsworthy item in the NT when the *NT News* reported that an Alice Springs school principal had caned a 10 year old boy. Charlie Mines, Principal of Gillen Primary School, caned the boy after the youth had verbally assaulted a female teacher. Mines subsequently sent out a newsletter to parents reminding them that the cane can and would be used if "students do not refrain from deliberate disobedience, savagery and foul language."⁴² Giles's actions were condemned by a number of NT principals who advocated other behavioural management policies such as sending children to solution or mediation rooms. (See reading 6)

A subsequent street poll in the *NT News* found opinions between Territorians continue to differ over the issue of corporal punishment. The poll found that men were more in

³⁹ Hooper, Shirley. "Discipline in a Northern Territory High School", in Roger Slee(ed) *Discipline in Australian Public Education: Changing policy and practice*. Canberra: ACER, 1992. p.164.

⁴⁰Ibid. p.165.

⁴¹ Northern Territory Department of Education, "Forum on Violence in Schools", *Education Bulletin*, Issue No. 38/95, 24.11.95. p.1.

⁴² Allen, Andrea. "I Caned Boy, 10, says NT Principal." *NT News*, 30.5.96

favour of corporal punishment than women.⁴³ Traditionally, it is the male student who is more likely to receive corporal punishment than the female student. (see reading 7)

The articles in the *NT News* provoked a response from Henry Gray the Principal of Leanyer School. Gray advocated the use of corporal punishment in conjunction with other behavioural management strategies only after all other avenues had been exhausted. In the case of Leanyer School, corporal punishment was only administered after the agreement and with the full knowledge of parents. Leanyer School policies were developed by parents and staff, with input from students themselves. In most incidents of disruptive behaviour, the most preferred strategy was to focus on counselling, discussion and the implementation of alternative strategies that were accepted by student peers and the school as a whole.⁴⁴ (see reading 8)

The *NT News* article and the differing responses from NT school principals highlighted the variety of disciplinary practices in NT Schools. Although most disciplinary options are established by local school councils, the NT Department of Education has produced its own policy framework which is flexible enough to allow school councils to adopt a disciplinary approach that suits them. Punitive measures outlined in the policy which are open to teaching staff include: detention, suspension, expulsion and corporal punishment. The NT Schools Policy recommends that corporal punishment is used only in extreme cases and it should:

- be kept to a minimum;
- not be administered in the presence of other students;
- be administered by the head teacher or a nominated staff member;
- be of the normally accepted nature; and
- be recorded in a book, explaining the reason, nature and extent of punishment.⁴⁵

Parents can remove a school's authority to use corporal punishment on their child by oral or written request. As an alternative measure, principals can request parents to

⁴³ "Men More in Favour of Caning Students", *NT News*, 3.6.96

⁴⁴ Gray, Henry. "Word on Punishment", *NT News*. 6.6.96.

⁴⁵ NT Department of Education. *NT Schools Policy Handbook*, April 1996.

take appropriate disciplinary measures themselves. If this is not done to the teacher's satisfaction, students can be suspended for a period of time of up to one month.⁴⁶

6.CONCLUSION:

It is clear that the issue of corporal punishment is still a matter for debate, in spite of the increasing weight of academic evidence in support of banning corporal punishment. Those against corporal punishment argue that enormous social changes have occurred in the last 20-30 years that make the traditional autocratic methods of raising children obsolete.⁴⁷ The vast majority of research into corporal punishment has found that it is a disciplinary technique that should be banned. Rather than changing unruly behaviour, corporal punishment merely redirects indiscipline to another classroom or forces it to manifest itself in other ways such as truancy, vandalism, rebellion against school institutions or figures of authority, lower academic achievement and negative high risk behaviour. The threat of corporal punishment can also create an atmosphere of trepidation where all children may feel like potential victims and can lose their feelings of self confidence or security which can seriously harm their learning potential.⁴⁸ Furthermore, the use of corporal punishment legitimises the use of violence, making it an acceptable practice in society. (For further arguments against corporal punishment - see readings 9 & 10)

Indeed, the whole notion of using punitive measures such as suspension and corporal punishment in schools has come under question. Those against the notion of punishment (and reward) argue that:

- punishment invites retaliation;
- punishment forces teachers to assume responsibility for student behaviour, rather than the student;
- punishment temporarily suppresses behaviour but does not eliminate it;
- punishment strengthens resistance in a student who sees authoritative power as a goal;
- the effects of punishment are unpredictable; and

⁴⁶ *Ibid.*

⁴⁷ Balson, Maurice. *Op.cit.* p. 3.

⁴⁸ Society for Adolescent Medicine. *Op.cit.* p.1

- students may learn to avoid the punisher and its situation and become truants.⁴⁹

Those in favour of corporal punishment believe it to be an effective means of discipline which also encourages children to improve their social skills and to develop an appropriate appreciation of authority. There have been studies in the 1970s that show that physical punishment can help produce children who are obedient and compliant, especially under supervision, although it does little to help a child develop its own moral sense of right and wrong. Furthermore, corporal punishment was found to be more effective when used as an exceptional measure and when accompanied by an explanation for the reason the punishment was administered. Children were found to be far more accepting of corporal punishment if they felt that the punishment fitted the crime, that due process had been observed and that the teacher's response was well intentioned.⁵⁰

Supporters also feel that removal of these techniques would result in greater disciplinary difficulties in schools.⁵¹ Since the late 1980s there has been an increase in student disruptive behaviour.⁵² In the case of Victoria suspensions increased markedly following the abolishment of corporal punishment. It should be noted that in schools in Australia where corporal punishment is administered, it is often seen as a last resort when all other forms of disciplinary methods have failed.

With regard to alternative behavioural management strategies, such as the pastoral school approach, some teachers complained that parents are not always willing to become involved in the problem of their child's behaviour at school.⁵³ As a result, a greater and disproportionate amount of responsibility is placed on the teacher when it comes to behavioural management strategies. (for further arguments in favour of corporal punishment see readings 11 & 12)

As the recent *NT News* street poll illustrated, there is still division in the community over the practice of corporal punishment in schools. Increasing academic evidence favours the abolishment of corporal punishment in favour of alternative behaviour management strategies. Supporters of corporal punishment fear its abolishment leads

⁴⁹ Balson, *Op.cit.* p.125-126.

⁵⁰ Cashmore & de Haas. *Op.cit.* p.84.

⁵¹ Society for Adolescent Medicine. *Op.cit.* p.3.

⁵² Balson. *Op.cit.* p.3.

⁵³ Slee, "Changing Discipline Policy in", *Op.cit.* p.24.

to an increase student disruptive behaviour. Parental and community concern over the welfare and wellbeing of our children in schools will ensure that this topic will continue to be a matter for public debate. Attached to the end of this paper are a number of articles to help you investigate the relevant issues associated with corporal punishment.

7. READING LIST:

1. The Society for Adolescent Medicine.(position paper) *Corporal Punishment in Schools*. <http://www3.uchc.edu/~sam/corp-pun.html>
2. Donohue, J.W. "Brandishing the Rod", *America*, Issue 1, Vol. 174, 13.1.1996. p.4-6.
3. Cashmore, J. & de Hass, Nicola. *Legal and Social Aspects of the Physical Punishment of the Child: A discussion paper commissioned by the Commonwealth Department of Human Services and Health under the auspices of the National Child Protection Council*. Canberra: AGPS, May 1995. p.14-23.
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