

THE HOUSE OF COMMONS OF CANADA

BILL 9

EXPLANATORY NOTE

1. Section 33, to be amended, at present reads as follows:—

33. (1) Any person, whether the parent or guardian of the child or not, who knowingly or wilfully

(a) aids, causes, abets or connives at the commission by a child of a delinquency,

or

(b) does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent or likely to make any child a juvenile delinquent,

shall be liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(2) Any person who, being the parent or guardian of the child and being able to do so, knowingly neglects to do that which would directly tend to prevent said child being or becoming a juvenile delinquent or to remove the conditions which render or are likely to render said child a juvenile delinquent shall be liable on summary conviction before a Juvenile Court or a magistrate to a fine not exceeding five hundred dollars or to imprisonment for a period not exceeding two years or to both fine and imprisonment.

(3) The Court or magistrate may postpone or adjourn the hearing of a charge under this section for such periods as the Court may deem advisable or may postpone or adjourn the hearing *sine die* and may impose conditions upon any person found guilty under this section and suspend sentence subject to such conditions, and on proof at any time that such conditions have been violated may pass sentence on such person.

Prior to 1921 it was held in the cases of *Rex v. Hoffman* (1919), 1 W.W.R., 625, and *Rex v. Limoges* (1920), 1 W.W.R., 293, that under the section as it then stood it was necessary, in order to convict, that it should be shewn that the child had actually become a juvenile delinquent as the result of the conduct of the accused. In 1921, with a view to overcoming the difficulty created by these decisions, subsection 1 (b) was amended by inserting the words "or likely to make any child a juvenile delinquent". In the case of *Rex v. James Stron* the Chief Justice of Manitoba, on March 24, 1930, decided that the insertion of these words had not altered the meaning of the section, and that *Rex v. Limoges* was still good law and to be followed.

The purpose of the present amendment is to make it clear that it is an offence to do any act which is likely to make any child a juvenile delinquent, whether as a result of such act the child did or did not in fact become a juvenile delinquent. The amendment is put forward at the instance of the Attorney General of Manitoba, and is supported by the Attorney General of Nova Scotia; the Solicitor to the Attorney General's Department, Ontario; the Attorney General of Alberta; the Attorney General of Saskatchewan and a number of officials and societies interested in the enforcement of the laws relating to child welfare.