

Criminal Code

In this province alternatives are provided. Further on, the section states that the above provision applies—

—notwithstanding that the information is confidential or privileged, and no action lies against the informant unless the giving of the information is done maliciously or without reasonable and probable cause.

So, the protection to which I have referred has been provided.

In Ontario, there is a section of the Child Welfare Act which provides that every person having information of the abandonment, desertion, physical ill-treatment and so on of a child shall report it to a children's aid society or to a Crown Attorney. Again, an alternative is provided; it is not mandatory to report to a Crown Attorney or to a law enforcement official. Recognition is given to the special role which the social agencies can play.

In Nova Scotia, the act of 1967 contains a similar provision and requires the report to be made to the Children's Aid Society or to a director of that society. Again, in that province, protection is given to the reporter unless the report is made out of malice or without reasonable or probable cause.

So, I am afraid that while I support the principle behind the hon. member's bill, while I support just about everything he said in his presentation, the measure he recommends does not fit the needs of the situation. As I said, we should work together to exert pressure in the proper places to persuade the provinces to take action, as has been done in the United States. The hon. member told us that all but six of the states had passed legislation giving this protection. My information, it may be later, is that 50 of the states plus the District of Columbia and the United States Virgin Islands have all made provision for this kind of mandatory reporting together with the involvement of the social agencies and the statutory immunity which is required.

Some hon. Members: Hear, hear!

Mr. Gordon Ritchie (Dauphin): I should like to commend this bill to the House. I hope it will be sent to the committee where evidence can be given by interested authorities and brought to bear upon this subject.

In recent years, hospitals, doctors and local authorities have been faced with a situation which appeared to be quite new and unusual. However, this probably has been around since time immemorial but only in recent years has it been catalogued and brought to the attention of society at large. For want of a better phrase it has been called the 'battered baby syndrome'. It is not strictly confined to babies; there are cases involving children up to four and five years of age. With the idea that parental love would take care of children, society has been loth to face up to the possibility that a baby's bruising or fractured bones could have been caused by injury by the parents. This is not an easy fact to accept, especially when one of the parents may well bring in the child for medical aid.

• (5:30 p.m.)

The first clearly identified cases in Great Britain were reported in 1963. The United States have been reporting [Mr. Murphy.]

them since 1946. For some reason, the firstborn in a family seems to set the pattern, and where the firstborn is battered, subsequent children are prone to be battered. In England, the records of the National Society for the prevention of Cruelty to Children indicated there was a 13 to 1 chance that a subsequent child would be injured by the parents. They also reported that parents in the age group of 20 to 30 appeared to have long-standing emotional problems. Many of the fathers had criminal records and were unemployed at the time of the incident. Perhaps unusual is the fact that the families are usually small. To some extent, the violence of the assaults and the infancy of the victims set these cases apart from the older children, although the boundaries cannot be clearly defined. Medical authorities are becoming more on the look-out for these children because, unfortunately, the case of the child who is battered once may well turn up again. The same report gives examples of physicians and hospitals failing to spot the cause of injury and unsatisfactory after-care arrangements being made by many hospitals despite the evidence of reported, unexplained injuries.

The problem of what to do when a physician finds himself in charge of a battered baby is not easy. First, it is difficult to know whether the bruise is the result of a battering or a fall and injury that overtakes small children from time to time. But it is generally considered that doctors have a duty to perform as citizens as well as being medical advisers. In England it is generally considered better to contact the children's department of the local authorities rather than the police.

An analysis of this problem would indicate that it is deep-seated and psychological. Whether or not society may best control this abuse of children through the Criminal Code is debatable. It would seem to be an area where the law, psychology, sociology and medical disciplines are involved. I would like to see this bill sent to committee for further study, and I think action could well be taken in respect of the final suggestion in the bill.

Mr. Warren Allmand (Notre-Dame-de-Grâce): Mr. Speaker, the matter referred to in this bill, the battered child syndrome, is one of the most widespread social and medical problems in our society, as has been pointed out by my colleague the hon. member for Sault Ste. Marie (Mr. Murphy). Whenever we read stories of child abuse we are deeply touched and often prompted to anger and action.

In recent years there have been several recorded cases of extreme cruelty directed at children by their parents. We often find it difficult to understand how an adult can harm a small child. The hon. member for Sault Ste. Marie rightly pointed out that this is often due to parental inadequacy, emotional disturbance and mental illness. The important matter for us as legislators is the determination of what is the best way of dealing with the problem. The present bill is an attempt to do this. While I support some provisions of the bill, I have serious reservations about others. I have been greatly assisted on this subject by one of my constituents, Mrs. M. A. Smith