

the sake of brevity, may I read the amendment and then refer to it at greater length. The bill reads as follows:

BILL C-28

An Act to amend the Criminal Code
(Battered Child)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The *Criminal Code* is amended by inserting therein, immediately after section 189 thereof, the following:

'189A. Every one, being a person entitled to engage in the practice of medicine under the laws of a province, who fails to report, within seven clear days of the day he has knowledge of the facts, to the Attorney General of that province any bodily injury to a child which, in his opinion, may have been caused by maltreatment, is guilty of an offence punishable on summary conviction and is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment.'

More and more Canadians, Mr. Speaker, are becoming deeply concerned about the increasing number of children who are being seriously abused and, in many cases, permanently maimed as a result of maltreatment by their parents or guardians. It is in order to rectify this situation to some degree that we should place a deterrent in the law. The bill seeks to amend the Criminal Code to require a member of the medical profession to report to his provincial Attorney General within a week any bodily injury to a child which, in his opinion, may have been caused by maltreatment. In the course of centuries, progress has been made in protecting the interests and well being of children. One can compare the situation today with earlier periods when parents used to wield absolute power over their offspring's life and death.

Despite considerable social and legal progress in the protection of children, the problem of their physical abuse continues to cause serious concern in present day Canadian society. The growing awareness of and the increasing interest in the phenomenon of child abuse on the part of physicians, educators, social workers and lawyers as well as the public at large, must lead to the enactment of legislation requiring medical personnel to report incidents of suspected physical abuse of children to appropriate authorities. Child abuse legislation is essential.

I would like, Mr. Speaker, to outline briefly the purpose of this bill. The purpose of this bill is to require a member of the medical profession to report to his provincial Attorney General within a week any bodily injury to a child which, in his opinion, may have been caused by maltreatment. The provincial Attorney General would then be in a better position to protect children, to lay the appropriate charge and to ensure the future protection of the child and any other children in the custody of a person afflicted with a 'battered child' syndrome.

The objective of reporting legislation is to improve mechanisms for case finding and to assure protective services for the abused child, his siblings and his parents. A secondary purpose will be to obtain a better understanding of the extent and nature of the phenomenon than is possible when only a few selected cases come to

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the notice of health, education, welfare and law-enforcement authorities. In the United States, reporting is mandatory in all but six states, Alaska, Missouri, New Mexico, North Carolina, Texas and Washington. The swift passage of legislation in the 1960's has made it possible to obtain systematic information on the number of legally reported incidents of child abuse throughout the United States. In this way, a study of the causes, distribution and families involved can lead to solutions of this very serious problem.

This bill will become the first step to redress the conditions which still allow child battering to happen time and time again in this country. It is a very sad situation when a battered child re-appears successively three or four times to be treated in hospital without any steps being taken to stop these actions. This is done, not because doctors are not conscientious, but because parents or relatives or authorities who bring the children to a doctor for treatment are not required to return to that doctor they may send them to a new doctor. The lack of a registry of these cases renders checking up very difficult if not impossible.

Commenting on the problem, a Regina doctor had this to say: "People who maltreat children rarely bring the injured child back to the same doctor. The result is that a doctor believes he is dealing with a first instance every time. It is a pity there isn't some way in which information on injured children could be circulated among the medical profession." Clearcut legal procedures which demand that the doctor report the use of physical force is likely to produce the strongest possible reduction in the incidence and prevalence of physical abuse of children. Doctors and hospitals can play a vital role in promoting child safety. The Department of Health and Welfare should meet the provincial authorities so that hospitals can develop procedures for handling suspected cases of abuse. The physician needs and deserves support in this field. This bill affords him exemption from suits since he will be acting according to the law and will encourage reports of cases of abuse.

One may well ask, why do we need a federal bill? Some provinces have enacted legislation protecting persons reporting cases of child battering. This protection exists in Ontario, Alberta and Nova Scotia. But there is a clearcut need for a criminal code provision to provide both uniformity and better protection for both doctors who report and children who are battered. The existence of legislation on child battering can, in itself, be a deterrent. It will deter the cultural attitude permitting the use of physical force in child rearing.

The Canadian Medical Association, along with many other professional associations, has pressed for legislation on this problem. I propose then that the bill being debated today be sent to committee, where representations by experts will demonstrate how essential legislation is on this issue. I believe this to be a worthy and important amendment to the Criminal Code, and I commend this bill for the serious consideration of all hon. members.