

committee, I was a probation officer. I remember going before a magistrate with a little girl who was termed "incorrigible." That is a vague term used with children, but that would not stand up in an adult courtroom. As I was saying, the child was before the magistrate, and he turned to this burly Irishman and said, "What you have to do is apply more discipline to this child." Turning towards me, he said, "Follow this up to see that this is done."

About a week later I went to this girl's house. I asked where the girl was and was told that she was locked in a room with the windows boarded up. The father, who was a big man, proudly explained to me how he unbuckled his belt and, using his buckle, had tied her down to a kitchen chair and raised welts on her back to discipline her. When I saw her I thought that she was not completely broken down, because there was a fire in her eyes. I do not know where that has led her, but I would suggest, honourable senators, that that kind of abuse could very naturally lead many children to move on, as we have shown, to become violent criminals.

I could refer to a judgment given by the court where it has looked into what is meant by the words "reasonable under the circumstances." The court suggested that it had not been able to find a judgment clarifying what is reasonable under the circumstances. That was a 1978 case. I can cite cases of reasonable assault to children of the ages of six, eight and ten where bruises, contusions, welts, chipped teeth and bloody noses occurred. These were called "reasonable under the circumstances."

I suggest, honourable senators, that that is one section that should be looked at thoroughly, because it may be that through looking at it we will be able to avoid some of these terrible tragedies.

Let me make my next point. I should like to say to you that, in the past, our society has paid more attention to—cruelty to animals than it has to cruelty to children. Legislation against cruelty to animals was enacted in 1820, while legislation against cruelty to children was not enacted until 1893, when the Ontario Legislature passed an act for the prevention of cruelty to and the better protection of children.

What I am coming to is the evidence required to show that a child has been abused. Parental assaults to children are often extremely difficult to prove in a criminal court because there are usually no witnesses to the crime. It is done behind closed doors. There is a spouse or a partner and a terrified child, in some cases so young that it does not even know how to talk.

If an animal is abused or maltreated, the onus is on the owner to prove that he did not inflict the injuries. Similarly, if a car is stopped and burglary tools are found therein, and that car is on a darkened street by a house, the occupants of that car must prove that they are not up to any criminal activities. I suggest that, surely to God, we can say to two people who have beaten a child, and in some cases broken its ribs, that they must prove that they did not do it.

Honourable senators, I think that Dr. McGrand has done a tremendous service to this country. He used to go out over

clogged roads, over snowdrifts, to answer the desperate cry of one child in a farm house. With this report he is answering the desperate call of thousands of Canadian children. I am proud of him and thank him for having the New Brunswick tenacity to drive on and on, despite our initial coldness to his proposal. I congratulate him on what he has done.

On motion of Senator Frith, debate adjourned.

THE ESTIMATES

REPORT OF NATIONAL FINANCE COMMITTEE ON SUPPLEMENTARY ESTIMATES (B) ADOPTED

The Senate proceeded to consideration of the report of the Standing Senate Committee on National Finance on supplementary estimates (B) laid before Parliament for the fiscal year ending 31st March, 1981, which was presented November 20, 1980.

Hon. Douglas D. Everett moved that the report be adopted.
Motion agreed to and report adopted.

REGULATIONS AND OTHER STATUTORY INSTRUMENTS

FIFTH REPORT OF COMMITTEE—ORDER DISCHARGED

On the Order:

Consideration of the Fifth Report of the Standing Joint Committee on Regulations and other Statutory Instruments.—(*Honourable Senator Lafond*).

Hon. Royce Frith (Deputy Leader of the Government): Honourable senators, I have the authority of Senator Lafond and Senator Godfrey, in whose name this probably should be standing anyway, to ask that this order be discharged.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.
Order discharged.

BANKS AND BANKING LAW REVISION

INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE—INQUIRY WITHDRAWN

On the Inquiry of Senator Hayden:

That he will call the attention of the Senate to the Interim Report of the Standing Senate Committee on Banking, Trade and Commerce on the subject matter of the Bill C-6, intituled: "An Act to revise the Bank Act, to amend the Quebec Savings Banks Act and the Bank of Canada Act, to establish the Canadian Payments Association and to amend other Acts in consequence thereof", tabled in the Senate on 17th July, 1980.

Hon. Royce Frith (Deputy Leader of the Government): Honourable senators, with reference to this Inquiry standing in the name of Senator Hayden, the Banks and Banking Law