

# APPENDIX A

## LETTER OF THE HON. KIM CAMPBELL THEN MINISTER OF JUSTICE AND ATTORNEY GENERAL TO THE CHAIRMAN OF THE STANDING COMMITTEE

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May 28, 1990

Dr. Bob Horner, M.P.  
Chairman, Standing committee of the House of Commons  
on Justice and the Solicitor General  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Dr. Horner:

I write today to ask the Standing Committee on Justice and Solicitor General to undertake a review as to what amendments should be made to our present *Criminal Code* to ensure that it has a General Part which contains general principles and rules of general application which accord both with the fundamental values of Canadians and the requirements of a modern *Criminal Code*.

It would be most useful if the Standing Committee completed this study and reported its conclusions to the House by March 31, 1991.

The general part of a criminal code sets out, as legal principles, a number of rules of behaviour that affect the everyday lives of citizens. Our present Part I, for example, contains provisions that establish for the purposes of the criminal responsibility; define insanity for the purposes of the criminal law; provide that ignorance of the law is no excuse; and set out detailed rules as to what you can and can not do legally to defend yourself, those under your protection, and your property.

Most of these provisions have come down to us virtually unchanged since 1892. Although many of them have served us well over the years, the present Part I is, by the standards of modern criminal codes, at best incomplete. To date, the case law have filled in those general principles which the Code lacks. These principles also contain important norms of social behaviour such as the degree of criminal responsibility for prohibited acts committed when drunk or on drugs. These important norms, established through case law, have never been reviewed by Parliament. Parliament has also yet to review Part I of the *Code* in light of the *Charter of Rights and Freedoms*.

In its study, the Committee will wish to examine the Law Reform Commission of Canada's extensive work in this area in depth. As well, there are a number of documents produced by other working groups, task forces, and individuals who have made recommendations in this area. These are being forwarded to you under separate cover.

I will also forward to you in early summer a background document that is being prepared by my officials which outlines a number of options for amendments to the General Part which the Committee could consider in its review.

The study which today I am asking you to undertake is an important one which will have an enormous impact on the development of our criminal law as well as the everyday lives of Canadians.

I have asked Mr. Daniel C. Préfontaine Q.C., the Assistant Deputy Minister of Justice responsible for criminal law policy in the Department to meet with you and the Clerk of your Committee to discuss what assistance the Department might be able to provide you in this important task. Thank you for agreeing to undertake it.

Yours sincerely,

A. Kim Campbell, P.C., M.P.