

Source: Department of Justice Canada, Final Report of the Federal-Provincial Working Group on Homicide, June 1990 – updated April 1991. Reproduced with the permission of the Minister of Public Works and Government Services Canada, 2008.

TABLE OF CONTENTS

<u>PART</u>	<u>DESCRIPTION OF PARTS</u>	<u>PAGE NUMBER</u>
-------------	-----------------------------	--------------------

INTRODUCTION

(01) Preamble	viii
(02) Mandate for Final Report	ix
(03) Materials	ix
(04) Subjects Outside Mandate	ix
(05) Chairmen of the Working Group	x
(06) Other Members of the Working Group	x
(07) Meeting Dates	xi
(08) Minutes	xi
(09) Opinions Expressed in Report	xii
(10) Structure and Style of our Recommendations	xii
(11) Addendum to the Report (<u>R. v. Martineau et Al.</u>)	xii

<u>PART 1</u>	<u>HIGHLIGHTS OF THE REPORT AND COMMENTARIES</u>
---------------	--

(01) Eliminate Constructive Murder	002
(02) Reform the Law of Parties	002
(03) Modernize the Law of Manslaughter	003
(04) Revise the Definition of First Degree Murder	004
(05) Create More Flexibility in Sentencing	004
(06) Eliminate Concurrent Sentences	005
(07) Refine the Authority for Peace Officers to Use Lethal Force	006
(08) Simplify the Defences of Duress, Necessity, and Protection of Persons and Property	006
(09) Improve the Law of Attempt	006
(10) Codify a Rule of Causation	007
(11) Miscellaneous	007

TABLE OF CONTENTS

<u>PART</u>	<u>DESCRIPTION OF PARTS</u>	<u>PAGE NUMBER</u>
PART 2	RECOMMENDATIONS	
	Introduction	009
	Recommendation 01: Rule of Causation	014
	Recommendation 02: Definitions of:	
	Conduct	016
	Death	017
	References to: Knowingly - Known - Knows	017
	Legal Duty	018
	Recommendation 03: A Need to Re-examine Section 216 of the Code: (Duty of Persons Undertaking Acts Dangerous to Life)	020
	Recommendation 04: Retention of Section 217 of the Code: (Duty of Persons Undertaking Act)	024
PART 2	HOMICIDE OFFENCES	
	Introduction to Homicide Offences	025
	Recommendation 05: Murder	028
	Recommendation 06: First Degree Murder	034
	Recommendation 07: Criminal Homicide	038
	Recommendation 08: First Degree Criminal Homicide	043
	Recommendation 09: Retention of Existing Provisions	050
	Recommendation 10: Counselling or Aiding Suicide	052
	Recommendation 11: Attempt Murder	053
	Recommendation 12: Preparing to Commit Murder	055
PART 2	PARTIES TO OFFENCES	
	Introduction to Parties to Offences	056
	Recommendation 13a: Parties to an Offence	057
	Recommendation 13b: Parties to Foreseeable Offences and Abandonment	058
	Recommendation 13c: Parties After the Fact	061
	Recommendation 13d: Parties to Incomplete Offences	063

TABLE OF CONTENTS

<u>PART</u>	<u>DESCRIPTION OF PARTS</u>	<u>PAGE NUMBER</u>
PART 2	DEFENCES - JUSTIFICATION AND EXCUSES	
	Introduction	064
	Recommendation 14: Defence of Protection of Persons	069
	Recommendation 15: The Defence of Execution of Legal Duty	073
	Recommendation 16: Abrogation of Common Law Defences	080
	Recommendation 17: Mistake of Fact	081
	Recommendation 18: Mistake of Law	083
PART 3	SENTENCING	
	Introduction	085
	Recommendation 19: Life Imprisonment and Parole	085
	Recommendation 20: A Standard Period of Parole Ineligibility	086
	Recommendation 21: A Range of Sentences	087
	Recommendation 22: Exceptional Cases	088
	Recommendation 23: Consecutive Sentences and the Principle of Totality	088
PART 4	SECTION 589 (COUNT FOR MURDER)	
	Excerpts of the Consultation Document Produced by the Working Group on Homicide to Amend Section 589, January, 1989.	089

TABLE OF CONTENTS

<u>PART</u>	<u>DESCRIPTION OF PARTS</u>	<u>PAGE NUMBER</u>
APPENDIX	COMPARATIVE LAW OF HOMICIDE	098
	(A) Australia	100
	1. Queensland	101
	2. Western Australia	106
	3. Tasmania	109
	4. Northern Territory	112
	5. New South Wales	115
	6. Victoria	118
	7. South Australia	121
	8. Australian Capital Territory	123
	(B) France	124
	(C) Federal Republic of Germany	127
	(D) Great Britain	135
	(E) New Zealand	142
	(F) Switzerland	156
	(G) United States of America	159