

**"Source: *Criminal Code General Part Consultation Paper Released*, News Release, 2 pages, Department of Justice Canada, November 12, 1994. Reproduced with the permission of the Minister of Public Works and Government Services Canada, 2010."**

---

# News Release

---

## CRIMINAL CODE GENERAL PART CONSULTATION PAPER RELEASED

TORONTO, November 12, 1994 -- The Minister of Justice and Attorney General of Canada, the Honourable Allan Rock, today announced a consultation on the recodification of the General Part of the Criminal Code. Minister Rock released the paper at the Annual Meeting of the Ontario Criminal Lawyers Association and the Canadian Council of Criminal Defence Lawyers.

The goal of the consultation is to modernize the General Part of the Criminal Code. These general rules and principles of criminal law, such as criminal liability and defences which can be used, will be reviewed on the basis of fundamental and evolving social values, including those set out in the Canadian Charter of Rights and Freedoms. The consultation paper asks the public's views on many key issues such as the defence of intoxication.

"The release of this discussion paper is timely," said Minister Rock. "Reform of the General Part is a necessary first step in comprehensive Criminal Code reform. Recodifying it will make it more complete, more accessible to all Canadians and more reflective of current social values."

Some of the questions that a new General Part of the Criminal Code could answer are:

- ◆ How much force can a person use to protect property?
- ◆ How should the law define the criminal liability of corporations?
- ◆ Should someone who is incapable of meeting the definition of "reasonable person", for example because of low intelligence, be found guilty of criminal negligence offences?

.../2



The discussion paper also raises possible responses to the Supreme Court of Canada's decision in the Daviault sexual assault case. On September 30, 1994 the Supreme Court struck down the rule that intoxication is never a defence to crimes of general intent, such as sexual assault, and ruled that extreme intoxication resulting in a condition "akin to automatism" may be a defence to any crime.

Not all possible General Part issues are dealt with in the consultation paper. Some issues, such as euthanasia, are already the subject of separate initiatives now being studied by Parliament.

The General Part has largely the same structure, style and content as it had more than one hundred years ago when the original Criminal Code was adopted by Parliament. A recodification of the General Part has long been urged by a number of groups and individuals, including the House of Commons Sub-Committee on Justice and the Solicitor General who made the recommendation in their 1993 Report.

A technical document, called "Toward a New General Part of the Criminal Code of Canada -- Details on Reform Options", will be made available on request in a few weeks to those who wish further details on the issues and legal discussions on some of the options.

Submissions in response to this consultation must be sent by February 28, 1995. Following an analysis of the responses, work will begin on drafting proposals which will be introduced in Parliament later in the year.

Copies of the consultation paper or the technical document can be obtained by contacting the Communications and Consultation Branch of the Department of Justice at (613) 957-4222.

Ref. : Cyrus Reporter  
Minister's Office  
(613) 992-4621

Donald Piragoff  
(613) 957-4730

Heather Holmes  
(613) 957-4741  
Department of Justice

(Version française disponible)