"Source: Omissions, Negligence and Endangering,
Working Paper 46, 1985.

Department of Justice Canada. Reproduced
with the permission of the Minister of Public
Works and Government Services Canada, 2006."

Table of Contents

INT	ROD	UCTION	l
CHA	APTE	R ONE: Omissions	3
I.	Rat	ionale for Common Law Reluctance on Not Acting	3
REC	СОМ	MENDATION 1	7
n.	Bas	is for Exceptional Crimes of Not Acting	8
	A.	Not Acting within a Wider Course of Acting	8
		(1) Spurious Non-Acts: Pseudo-Nonfeasance	9 10
RE(СОМ	MENDATION 2	IJ
	В.	Non-Acts Explicitly Prohibited As Omissions	11
	C.	Non-Acts Causing Result-Crimes: Commission by Omission	12
		(1) Family Relationships	14
REC	СОМ	MENDATION 3	14
		(2) Assumed Relationships	14
REC	СОМ	MENDATION 4	15
		(3) Other Relationships: Community of Shared Risks	15
REC	юм	MENDATION 5	16
		(4) Situation Duties (a) Creating a Danger (b) Controlling a Danger (c) Rescue from Danger	16 16

RECOMMENDATION 6					
CHAPTER TWO: Negligence					
I. ;	Should There Be Crimes of Negligence?	22			
RECOMMENDATION 7					
	Should Negligence Form a General Head of Criminal Liability?	25			
RECOMMENDATION 8					
	What Degree of Negligence Should Be Required for an Offence of Negligence and How Should This Be Defined?	28			
RECOMMENDATION 9					
CHAPTER THREE: Endangerment					
1.	A General Crime of Endangerment	35			
RECOMMENDATION 10					
II.	Replacement or Supplement?	37			
RECO	RECOMMENDATION 11				
III.	Physical and Mental Elements	38			
RECO	RECOMMENDATIONS 12 and 13				
SUM	SUMMARY OF RECOMMENDATIONS 4				