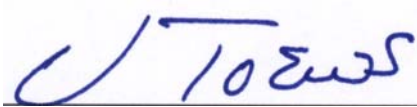


Law Commission of Canada

Report on Plans and Priorities

2006-2007 Estimates



Vic Toews

Minister of Justice and Attorney General of Canada

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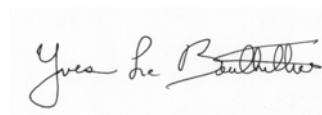
President's Message

Since its creation in 1997, the Law Commission of Canada has questioned existing approaches and concepts of law with the aim of making laws more responsive to new and emerging needs and expectations of Canadians. Through its analytical framework built around the theme of relationships, the Law Commission has produced in-depth reports and made recommendations on many questions of importance to Canadians. In the last year, following my appointment as President, the Commission has continued its work on all of its on-going projects. A discussion paper highlighting key questions that arise from the advancing globalization of the world was released in March 2006. Early on in this reporting period, we anticipate tabling a Report to Parliament on the future of policing in Canada.

This 2006-2007 Report on Plans and Priorities puts forward a road map providing directions to the Commission for the next two years. Work will be primarily focussed on six projects: Age and Law, Vulnerable Worker, Globalization and Law, Indigenous Legal Traditions, What Is a Crime and Financing on Reserves. As it has done in the past, the Law Commission will ensure that its products are the results of extensive consultations with Canadians and are based on expertise drawn from various disciplines.

By the end of this reporting period, the Law Commission will have selected new issues for future reports. Already, through its own research initiatives as well as through its numerous partnerships with various organizations committed to improving our laws, the Law Commission is exploring a number of topics including privacy, access to justice, the right to communicate, economic and social rights, risk and the law and cultural diversity. The Law Commission will contribute to these topics in the coming year by sponsoring new and innovative research. The Law Commission will also review its current strategic direction in order to determine whether it needs refinement, additions or modification in order to better respond to a world that is constantly changing.

The substantive work of the Law Commission is enriched by the participation of numerous groups and individuals from all regions of the country and from various disciplines. Over the years the Law Commission has developed networks and partnerships with numerous actors concerned with law reform. It has also reached out to Canadians through its web site, public consultations, empirical research and diverse modes of communication in order to engage as wide a range of groups and individuals as resources allow. The overall budget of the Law Commission, unchanged since its inception, creates challenges in responding to our mandate to broadly engage Canadians, to fund cutting-edge research and to participate in collaborative efforts. In the coming year, the Law Commission will continue to be innovative in its approach to ensure the engagement of Canadians who, although experiencing the impacts of law, would not likely have input but for the outreach activities of the Law Commission of Canada.



Yves Le Bouthillier
President

Summary Information

The mandate of the Law Commission of Canada is derived from the *Law Commission of Canada Act*, which came into force in April 1997. The mandate of the Commission is “to study and keep under systematic review, in a manner that reflects the concepts and institutions of the common and civil law systems, the law of Canada and its effects.”

The Commission is directed under section 3 of the *Law Commission of Canada Act* to focus on four orientations:

- **New Concepts of Law:** The Commission is to work toward the development of new concepts of law and new approaches to law.
- **Efficiency and Accessibility:** The Commission is to consider measures to make the legal system more efficient, effective and accessible.
- **Stimulating Critical Debate:** The Commission is charged with stimulating critical debate about the law and how it operates in Canadian society. It is encouraged to forge productive networks with academic and other communities to ensure cooperation and coordination in law reform initiatives.
- **Eliminating Obsolescence and Anomalies:** The Commission is to work toward the elimination of obsolescence and anomalies in the current law.

The *Law Commission of Canada Act* can be found on the Commission’s web site at www.lcc.gc.ca/en/about/lcca.asp.

Financial Resources

(thousands of dollars)

2006-2007	2007-2008	2008-2009
3,173	3,194	3,194

Human Resources

2006-2007	2007-2008	2008-2009
11	11	11

Departmental Priorities

Priorities	Type	Planned Spending (thousands of dollars)		
		2006-2007	2007-2008	2008-2009
1. Make recommendations for law reform	Ongoing	350	525	175
2. Engage Canadians in law reform	Ongoing	748	469	819
3. Conduct leading-edge research	Ongoing	2,075	2,200	2,200
Total		3,173	3,194	3,194

Priority 1

Make recommendations for law reform

Description

The Law Commission of Canada has a mandate to provide advice and recommendations on how to modernize and improve the law in Canada. To that end, the Law Commission is responding to changes in the way Canadians live their lives and the changing social and economic context such that the law evolves to meet their needs and expectations.

Plans

The Law Commission plans to issue the following Reports to Parliament:

- 2006-2007: *In Search of Security: The Future of Policing in Canada* – examines the complex relationships that are emerging between public police and private security enterprises in Canada.
What Is A Crime? – analyzes legal and social responses to crime and unwanted behaviour.
- 2007-2008: *Indigenous Legal Traditions* – explores how to create space for these traditions.
The Vulnerable Worker – studies the promotion of economic security for vulnerable workers.
Globalization and Law – examines new processes to improve the legitimacy of law in a globalized world.
Financing on Reserves – analyzes the property-related provisions in the *Indian Act* which create systemic barriers to management of personal finances and economic development.
- 2008-2009: *Age and Law* – studies the use of age as a criterion in law, intergenerational relationships and a life course approach to the law.

Risks and Challenges

The timing for the issuance of reports can be affected by:

- The number of issues arising from consultations that require further study prior to the preparation of recommendations.
- The number of stakeholders to be consulted on a given topic and the ease with which groups and members of the public can be assembled for consultations.
- The small size of the Commission, budgetary constraints and competing priorities.

Priority 2

Engage Canadians in law reform

Description

The Law Commission is mandated to engage Canadians in law reform. Consultation events are held on each project with experts in the field, stakeholders and members of the general public. The Law Commission is constantly striving to increase awareness of law reform issues and encourage public debate. Linkages have been made with community organizations to better reach Canadians and new project-specific communication products are being planned to make our projects even more accessible. Efforts to involve member organizations of the Federation of Law Reform Agencies of Canada in our work will be continued. As well, public engagement plans will be enhanced as the Law Commission continues to seek ways of increasing the involvement of Canadians in law reform.

Plans

- Improve strategic plans to engage Canadians in the law reform process.
- Review and improve the engagement of youth in debates around law reform.
- Prepare a strategy to improve linkages to the media and the ability to take advantage of opportunities in the media to increase awareness of law reform.
- In 2006-2007:
 - Host roundtables on exploratory topics;
 - Issue a discussion paper accompanied by a documentary video and background paper on *Indigenous Legal Traditions*;
 - Prepare a plain language brochure on *Globalization and Law*;
 - Hold consultation events for *Indigenous Legal Traditions*, *Globalization and Law*, *Vulnerable Workers* and *Age and Law*;

Risks and Challenges

The overall budget of the Law Commission, unchanged since its inception, creates challenges in responding to the mandate to broadly engage Canadians. For example, the ability to use paid announcements to notify the public of our events is severely circumscribed. The small size of the Law Commission, based in Ottawa, necessitates the creation of linkages with local organizations that are willing to use their networks to help publicize an event.

Priority 3

Conduct leading-edge research

Description

The Law Commission responds to its mandate by collaborating with many organizations and individuals representing a variety of disciplines. The Law Commission serves an important role in creating opportunities for people to network and benefit from each other's knowledge. Research produced by the Law Commission is broadly circulated to people in academia, non-governmental organizations and other research institutes and is made publicly available online. Work will continue with our existing partners including the Social Sciences and Humanities Research Council of Canada, the Indigenous Bar Association, the Uniform Law Conference of Canada, the Canadian Federation for the Humanities and Social Sciences, the Canadian Association of Law Teachers, the Council of Canadian Law Deans, the Canadian Law and Society Association and the New Zealand Law Reform Commission. The Law Commission will continue to seek out organizations with which to collaborate on areas pertinent to law reform.

Plans

Establish new, and enhance existing, partnerships with individuals, agencies and organizations both in Canada and around the world, including the following:

- Research issues arising from consultations on *Age and Law* and *The Vulnerable Worker*.
- Research a variety of exploratory subjects such as privacy, risk, economic and social rights, right to communication, cultural diversity and access to justice.
- In 2006-2007, disseminate research generated by the following activities:
 - Legal Dimensions: *Law and Citizenship*
 - Audacity of Imagination: *The 'Place' of Justice*
 - Papers produced for the 2006 Crown-Métis Conference
 - *What is a Crime?* Case Studies
- Collaborate with the Hague Institute for the Internationalisation of Law on work related to *Globalization and Law*.
- Continue partnership programs piloted in 2005 with the Canadian Bar Association - Law for the Future Fund and the Community Foundations of Canada.

Risks and Challenges

The Law Commission receives numerous requests to fund research and activities related to law reform initiatives. However, our interest in funding worthwhile and cutting-edge research and participating in additional collaborative efforts is somewhat hampered by the costs of translating and preparing documents for publication.

Analysis by Program Activity

Strategic Outcome: Advice on Law Reform

The strategic outcome of the Commission is the provision of independent advice on reforming Canadian laws, institutions and procedures to ensure that they are aligned with the changing needs of individual Canadians and society.

Given the nature of the Commission's mission and mandate, and the research and discussion required to achieve the strategic outcome, results are defined in relation to the Commission's ability to stimulate research and discussion on matters of public interest, to advance new concepts of law, and to develop recommendations for consideration.

Ultimate outcomes such as renewal of the law require a long-term perspective and depend on the agenda of various governments and other actors and their willingness to implement the Commission's recommendations. Such ultimate outcomes are therefore not considered to be directly within the Commission's control.

To achieve its strategic outcome, the Commission conducts activities in four key target areas. These areas reflect issues of concern for Canadians and get to the heart of Canadians' relationship with the law and legal system.

- **Personal Relationships**

Much of Canadian law is based on assumptions about how people organize their private lives, and how they relate to their partners, parents, children and others close to them. These assumptions may not adequately or accurately reflect the reality of current relationships. The Commission examines how laws can be designed to respond more effectively to Canadians' personal relationships.

- **Governance Relationships**

Canadians are disengaging from public institutions, and are more sceptical about the capacity of institutions to respond to legitimate expectations. Increasingly, Canadians expect their public institutions to embrace values such as pluralism, choice and diversity. These expectations suggest a change in how Canadians perceive "citizenship". Increasingly, citizenship is perceived as active participation in democratic politics within the context of Canada's position in the global community.

- **Economic Relationships**

The changing character of the workplace, the creation of new forms of property and wealth, the recognition of the significance of both paid and unpaid work, new methods of doing business, globalization, and the emergence of a knowledge-based economy all have important consequences for those entering the labour market, and for those whose current employment is threatened. The Commission explores how best to structure the law to enhance Canada's economic strength while protecting fundamental social values.

- **Social Relationships**

Harmonious and healthy social relationships are built on trust, interdependence and respect. Disagreement and conflict are inevitable products of everyday life and human interaction. The law often relies on public institutions such as the criminal justice system and the police to resolve conflict and ensure security. Increasingly, however, Canadians are relying on more informal methods of conflict resolution and on private institutions to ensure their security.

Such a framework emphasizes the supremacy of relationships and the supporting role of the law in the type of relationships between individuals in modern society. It is these very relationships and not specific rules in the law, which constitute the starting point of the research. Our studies analyse relationships not as passive reflections of legal concepts, but rather as dynamic social institutions.

The Commission will continue work on a fundamental question that involves all four key target areas: *What is a Crime?* The objective of this research is to identify why certain behaviours are conceptualized as crimes, and to determine the impact of this conceptualization on personal, social, economic and governance relationships.

The next section presents a summary of commitments, activities and expected results for each key target area.

Planned Activities and Expected Results

Key Target Area: Personal Relationships		
Commitment	Main Activities	Expected Results
<p>Age and Law</p> <p>The Law Commission of Canada is studying whether age as a criterion remains relevant in various areas of law and whether other criteria might better respond to the objectives while promoting healthy, respectful relationships between generations and flexibility in addressing the life course.</p>	<p>In 2006-2007, the Commission will conduct additional research and continue work with a study panel of experts, with a view to producing a report in 2008-2009.</p>	<p>Recognizing that people are interdependent throughout their lives and that there are many similarities across, and differences within age groups, this project will provide a framework to support healthy intergenerational relationships by verifying if age is the best criterion in each instance to provide benefits or impose restrictions in law.</p>

SECTION II – ANALYSIS BY PROGRAM ACTIVITIES

Key Target Area: Economic Relationships		
Commitment	Main Activities	Expected Results
<p>The Vulnerable Worker</p> <p>The Commission is studying the ways in which the law allows people to attain economic security or the manner in which it impedes them from achieving this security. The law plays an important role in determining the types of work that are recognized, valued and rewarded, as well as those that are downgraded, poorly regarded and prohibited.</p>	<p>In 2006-2007, the Commission will conduct additional research and continue to consult with Canadians, with a view to producing a report in 2007-2008.</p>	<p>This project will provide recommendations to ensure adequate and appropriate support for the promotion of economic security of those engaged in work in the broad sense of the term.</p>
<p>Financing on Reserves</p> <p>As a result of property-related provisions in the <i>Indian Act</i>, people living on reserves are unable to use their property to secure loans.</p> <p>The Commission will explore solutions to this situation which creates a systemic barrier to the management of personal finances.</p>	<p>With its existing research, in 2006-2007, the Commission will consult with experts in the area about proposed viable solutions with a view to producing a report in 2007-2008.</p>	<p>This report will provide recommendations to address the issue of equitable access to financial resources for those living on reserves.</p>

SECTION II – ANALYSIS BY PROGRAM ACTIVITIES

Key Target Area: Governance Relationships		
Commitment	Main Activities	Expected Results
<p>Indigenous Legal Traditions</p> <p>Although many communities in Canada demonstrate ongoing commitment to concepts and values from Indigenous laws and traditions, frequently such concepts and values have been ignored or overruled by non-Indigenous law. Canada has been able to benefit from the enrichment of two legal traditions, civil law and common law. It should also benefit more from Aboriginal heritage and legal traditions.</p>	<p>In 2006-2007, the Commission will:</p> <ul style="list-style-type: none"> ▪ Publish a discussion paper that will develop a broader framework for understanding and respecting Indigenous legal traditions, including the issue of institutional change, the capacity of Canadian governments and society to address it, and the choice of tools to effect this change. ▪ Consult broadly with stakeholders and produce a report in 2007-2008. 	<p>This project will provide a framework for creating space and recognition for Indigenous legal traditions in Canada.</p>
<p>Globalization and Law</p> <p>Globalization has brought an increased movement of goods, services, people and technologies across borders. These developments have encouraged the emergence of new and complex systems of multi-actor, multi-level governance, in which the state and law, while still occupying prominent roles, are no longer the sole controllers of events. Our approach to managing laws and policies made in Canada may not have evolved sufficiently to recognize the ever-growing interrelatedness between the domestic and the international.</p>	<p>In 2006-2007, the Commission will:</p> <ul style="list-style-type: none"> ▪ Engage Canadians in a critical debate of how to improve democracy and justice in a globalized world. Activities will include: <ul style="list-style-type: none"> ○ The Biennial Conference of the International Law Association; ○ The Canadian Legal Conference of the Canadian Bar Association; ○ Meetings with non-governmental organizations, officials of federal and sub-national governments, Parliamentarians, legal practitioners and others. ▪ Conduct research to determine appropriate roles for entities in international law-making and to explore the extraterritorial application of law. 	<p>This project will explore new tools of governance to enhance democracy, transparency and accountability given the increasing interdependency of countries and the greater influence of actors other than national governments.</p>

Key Target Area: Social Relationships		
Commitment	Main Activities	Expected Results
<p>The Future of Policing in Canada</p> <p>Over the past two decades, there has been a gradual loosening of the connection between policing and the state. Today, the state remains a significant player through the delivery and regulation of public policing, but there is now a range of private policing organizations that are actively engaged in maintaining order, as well as investigating and preventing crime in public spaces.</p> <p>The Commission is exploring the complex relationships that are emerging between public police and private security agencies in Canada.</p>	<p>In 2006-2007, the Report <i>In Search of Security: The Future of Policing in Canada</i> will be tabled in Parliament.</p> <p>The Commission will follow up on the report by discussing with interested stakeholders its recommendations.</p>	<p>This Report will stimulate debate in the government, the media, in other policy forums and in policing institutions about the role of private security agencies and how they should be regulated.</p> <p>The Report to Parliament will identify the need for better communication and partnerships among the police and private security agencies, and will recommend steps to make this happen.</p>

SECTION II – ANALYSIS BY PROGRAM ACTIVITIES

Other Target Areas		
Commitment	Main Activities	Expected Results
<p>What Is a Crime?</p> <p>The objective is to understand the reasons why certain patterns of behaviour are identified under the concept of crime, and to examine, the impacts of such a concept on personal, social, economic and governance relationships, by assessing the various options available for regulating undesirable behaviour.</p>	<p>In 2006-2007, the Commission will:</p> <ul style="list-style-type: none"> ▪ Continue consultations with stakeholders; ▪ Consolidate current research and produce a Report to Parliament. 	<p>The aim of the project is to provide policy makers with a framework that can be used to assess the consequences of choosing criminal law and other intervention strategies in response to unwanted behaviour.</p>

Exploration of New Topics		
Commitment	Main Activities	Expected Results
<p>The objective is to pursue preliminary research related to current Canadian socio-legal issues.</p>	<ul style="list-style-type: none"> ▪ In 2006-2007, research will be conducted on: <ul style="list-style-type: none"> ○ Access to justice; ○ Risk; ○ Economic and social rights; ○ Cultural diversity; ○ Privacy; ○ Barriers to immigration settlement; and ○ Right to communicate. 	<p>The determination of the requirements for future projects to be conducted by the Law Commission.</p>

Management Representation Statement

I submit for tabling in Parliament, the 2006-2007 Report on Plans and Priorities (RPP) for the Law Commission of Canada.

This document has been prepared based on the reporting principles contained in the *Guide to the preparation of Part III of the Estimates: Reports on Plans and Priorities*.

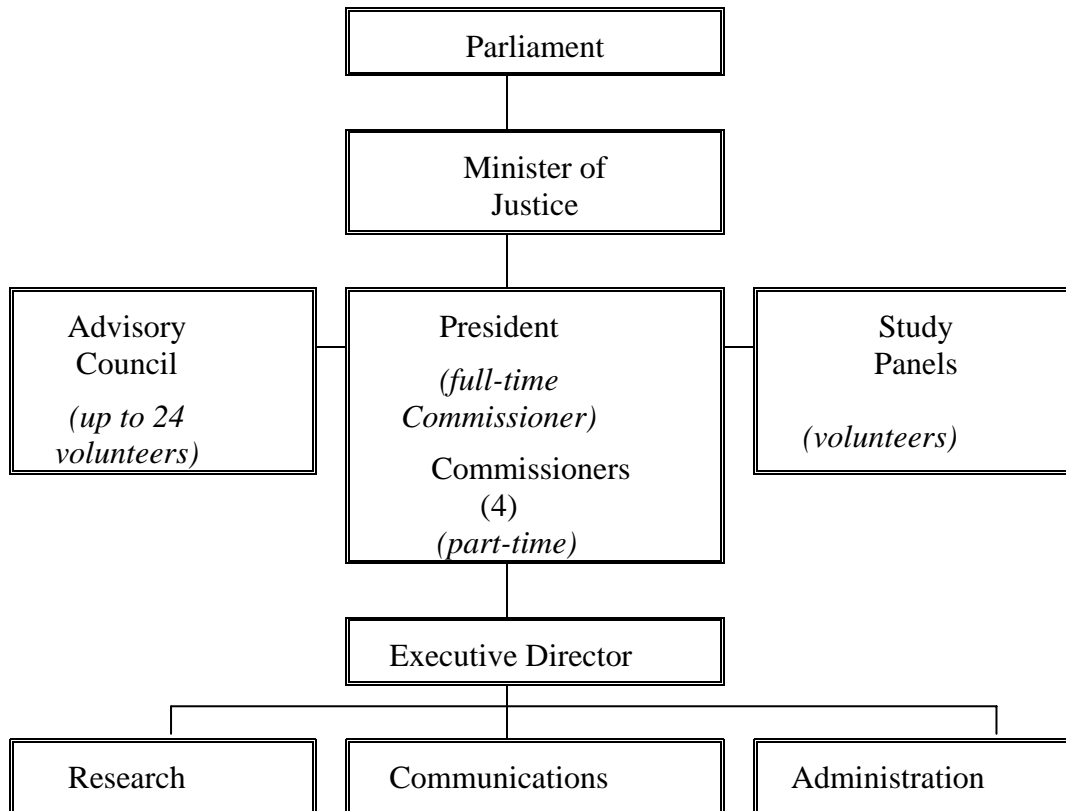
- It adheres to the specific reporting requirements outlined in the TBS guidelines;
- It uses an approved Program Activity Structure;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to the Commission; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.



Bruno Bonneville
Executive Director

Organizational Information

The Law Commission is an independent departmental corporation accountable to Parliament through the Minister of Justice. The Governor in Council appoints the President and four part-time Commissioners on the recommendation of the Minister for terms not exceeding five years. The Commission is supported by a small Secretariat headed by an Executive Director.



The Commission has an Advisory Council of up to 24 volunteers who reflect Canada's socio-economic and cultural diversity and represent a broad range of disciplines. The Council provides advice on the Commission's strategic direction, long-term research program, performance review and other relevant matters.

Study panels are appointed as needed to provide advice on specific research projects. Each panel is headed by a Commissioner and comprises volunteers with expertise in multiple disciplines and members of affected communities. To support the study panels, research contracts are given to recognized experts in the private sector and academia.

SECTION III – SUPPLEMENTARY INFORMATION

Table 1: Commission Planned Spending and Full Time Equivalents

(thousands of dollars)	Forecast Spending 2005-2006*	Planned Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009
Recommendations on Law Reform	3,142	3,193	3,194	3,194
Budgetary Main Estimates (gross)	3,142	3,193	3,194	3,194
Total Main Estimates				
<i>Adjustments:</i>				
ERC Exercise	(10)	-20	-	-
Governor General Special Warrants:				
Operating Budget Carry Forward	146	-	-	-
Funding for salary increases resulting from collective bargaining agreements	41	-	-	-
Paylist Shortfalls due to severance payments	28	-	-	-
<i>Total adjustments</i>	205	-20	-	-
Total Planned Spending	3,347	3,173	3,194	3,194
Total Planned Spending	3,347	3,173	3,194	3,194
Plus: Cost of services received without charges	194	180	185	190
Net Cost of the Commission	3,541	3,353	3,379	3,384
Full Time Equivalents	12	11	11	11

* Reflects the best forecast of total net planned spending to the end of the fiscal year.

** Reflects the reductions to the Commission's planned spending as a result of the Expenditures Review Committee (ERC) exercise.

The major difference between the planned spending of 2005-2006 and 2006-2007 is due to the 2004-2005 carry forward of \$146,000 included in the 2005-2006 forecast.

SECTION III – SUPPLEMENTARY INFORMATION

Table 2: Program Activity

Program Activity	2006-2007				
	Budgetary			Total Main Estimates	Total Planned Spending
	Operating	Gross	Net		
(thousands of dollars)					
Recommendations on Law Reform	3,193	3,193	3,193	3,193	3,173
Total	3,193	3,193	3,193	3,193	3,173

Table 3: Voted and Statutory Items Listed in Main Estimates

Vote or Statutory Item	Description	Current Main Estimates	Previous Main Estimates
(thousands of dollars)			
35	Program expenditures	3,020	2,970
(S)	Contributions to employee benefit plans	173	172
Total for the Commission		3,193	3,142

The increase of \$51,000 between the current and the previous Main Estimates is attributed to the compensation for the collective agreement signed on July 31, 2005 and the reduction by 1% of the employee benefit plans rate.

Table 4: Services Received Without Charge

(thousands of dollars)	2006-2007
Accommodation provided by Public Works and Government Services Canada	112
Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat. Employer's contribution to employees' insured benefits plan and expenditures paid by TBS.	68
2006-2007 Services received without charge	180

Table 5: Resource Requirement by Branch

2006-2007		
(thousands of dollars)	Recommendations on Law Reform	Total Planned Spending
Commissioners	430	430
Administration	868	868
Communications	687	687
Research	1,188	1,188
Total	3,173	3,173

Statute Administered by the Law Commission of Canada

Law Commission of Canada Act (S.C., 1996, c. 9)

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