



# Law Commission of Canada

## Performance Report

For the period ending  
March 31, 1998

Canada

## **Improved Reporting to Parliament Pilot Document**

The Estimates of the Government of Canada are structured in several parts. Beginning with an overview of total government spending in Part I, the documents become increasingly more specific. Part II outlines spending according to departments, agencies and programs and contains the proposed wording of the conditions governing spending which Parliament will be asked to approve.

The *Report on Plans and Priorities* provides additional detail on each department and its programs primarily in terms of more strategically oriented planning and results information with a focus on outcomes.

The *Departmental Performance Report* provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the spring *Report on Plans and Priorities*.

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## Foreword

On April 24, 1997, the House of Commons passed a motion dividing on a pilot basis what was known as the annual *Part III of the Estimates* document for each department or agency into two documents, a *Report on Plans and Priorities* and a *Departmental Performance Report*.

This initiative is intended to fulfil the government's commitments to improve the expenditure management information provided to Parliament. This involves sharpening the focus on results, increasing the transparency of information and modernizing its preparation.

This year, the Fall Performance Package is comprised of 80 Departmental Performance Reports and the government's "*Managing For Results*" report.

This ***Departmental Performance Report***, covering the period ending March 31, 1998, provides a focus on results-based accountability by reporting on accomplishments achieved against the performance expectations and results commitments as set out in the department's *Part III of the Main Estimates* or pilot *Report on Plans and Priorities* for 1997-98. The key result commitments for all departments and agencies are also included in *Managing for Results*.

Results-based management emphasizes specifying expected program results, developing meaningful indicators to demonstrate performance, perfecting the capacity to generate information and reporting on achievements in a balanced manner. Accounting and managing for results involve sustained work across government

The government continues to refine and develop both managing for and reporting of results. The refinement comes from acquired experience as users make their information needs more precisely known. The performance reports and their use will continue to be monitored to make sure that they respond to Parliament's ongoing and evolving needs.

This report is accessible electronically from the Treasury Board Secretariat Internet site:  
<http://www.tbs-sct.gc.ca/tb/key.html>

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*Anne McLellan*  
Minister of Justice

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## Chart of Key Results Commitments

### Law Commission of Canada

<i>to provide Canadians with:</i>	<i>as demonstrated by:</i>	<i>and reported in:</i>
Relevant and timely research on issues of law and justice	<ol style="list-style-type: none"> <li>1. A strategic agenda reflective of social trends and priorities</li> <li>2. A multidisciplinary research program that is focused and realistic</li> <li>3. Productive research partnerships and intergovernmental cooperation</li> </ol>	Departmental Performance Report, Section III, page 7
An open forum about law and how it operates in Canadian society	<ol style="list-style-type: none"> <li>4. Sponsorship of meetings, focus groups and conferences</li> <li>5. Continuing consultation with all Canadians on research programs and recommendations</li> </ol>	Departmental Performance Report, Section III, page 7
Quality recommendations on improvement, modernization and reform of the law	<ol style="list-style-type: none"> <li>6. Development of new concepts of law and new approaches to law</li> <li>7. Proposals to improve efficiency and accessibility of the legal system</li> <li>8. Recommendations to eliminate obsolescence and anomalies in the law</li> </ol>	Departmental Performance Report, Section III, page 7

## Section I President's Message



Canadians want their law to be responsive to their concerns and to embody justice. The *Law Commission of Canada Act* frames these desires as a legislative mandate. Since July 1, 1997, when the Law Commission of Canada first opened its doors, we have sought to convert this legislative mandate into a plan of action.

Our initial tasks involved establishing an Advisory Council to help plan our research, developing a long-term program of study, building and launching collaborative projects, adopting procedures and mechanisms for consultation with Canadians and recruiting the Commission's full-time staff.

In our first month of operation, we initiated extensive consultations to solicit nominations for the Commission's Advisory Council and to gather ideas for themes to incorporate into the Commission's Strategic Agenda. In the autumn, 21 Canadians, reflecting the broad socio-demographic, geographic and occupational diversity of Canada, were invited to join the Council.

Based on our consultations and the advice of the Council, we adopted a Strategic Agenda. At the heart of the strategy is a desire to emphasize creativity, balance various interests and respond to the needs of Canadians. The Commission will pursue these objectives by organizing its research around four Strategic Themes: personal relationships, governance relationships, economic relationships and social relationships.

Much of the year was spent establishing the foundation for the Commission. However, we also carried out preliminary research on a Reference from the Minister of Justice dealing with the question of institutional child abuse. In early February, the Commission delivered an Interim Report to the Minister that outlined the research questions to be pursued.

In addition, the Commission began building research networks and partnerships with universities, non-profit agencies and public policy research groups, as well as with other groups of Canadians interested in law reform. The Commission established links with the Uniform Law Conference, the Federation of Canadian Law Reform Agencies and provincial law reform bodies. In March 1998, the Commission sponsored three round tables and entered into agreements with several non-governmental organizations to further our research.

The Commission has now established a solid foundation. Everyone involved—from Commissioners to the Advisory Council to the staff—is enthusiastic about our direction and confident that we are ready to take up the great challenge of our mission.

Roderick A. Macdonald

## Section II Overview

### Mandate

The Law Commission of Canada formally commenced its operations on July 1, 1997. Its creation was made possible by the *Law Commission of Canada Act* which came into force in late April 1997. The Commission is directed under Section 3 of the Act to focus on four research 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, economical and accessible.

***Stimulating Critical Debate:*** The Commission is charged with stimulating critical debate about 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.

### Mission

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The Mission of the Law Commission of Canada is to engage Canadians in the renewal of the law, to ensure that it is relevant, responsive, effective, equally accessible to all, and just.

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To illustrate this written statement, the Commission developed a visual representation of the Mission: a stylized eye, ear, question mark and lightbulb.



LAW COMMISSION OF CANADA  
COMMISSION DU DROIT DU CANADA

The *eye* symbolizes the need to observe how Canadians use and understand the law—the essential first step in our research activities.

The *ear* symbolizes the need to consult with Canadians about the law, to listen to their hopes, fears and disappointments. This will help us learn





how to make law more responsive and accessible, and how to involve Canadians actively in the process.

The *question mark* represents the need to challenge our assumptions about the law. We need to ensure the law evolves with social values, and to ask ourselves whether these current values correspond to our aspirations for society.

The *lightbulb* suggests that we can renovate and renew the law. By studying the socio-economic impact of law, we can glean insight into the performance of official institutions. We can build on law to develop new approaches to solving social problems that transcend the justice system.

Our logo reminds us that we must observe the law in action. We must listen to Canadians' views about their law. We must constantly question the content of the law and the way legal institutions actually work. Finally, we must imagine ways for law to help create a more just society.

## Objectives

The Law Commission of Canada studies and keeps under systematic review, in a manner that reflects the concepts and institutions of the common law and civil law systems, the law of Canada and its effects. Its ultimate objective is to provide independent advice on improvements, modernization and reform to ensure a just legal system that meets the changing needs of Canadian society and of individuals in that society.

## Strategic Priorities

Drawing on ideas suggested by a broad spectrum of groups and individuals, the Law Commission has identified four strategic themes that will frame its work over the next three to five years:

***Personal Relationships:*** The Commission will look closely at how the legal system deals with relationships of dependence and interdependence.

***Social Relationships:*** The Commission will undertake research on how the legal system recognizes diverse social relationships in a changing socio-demographic context.

***Governance Relationships:*** The Commission will study public decision making and governmental institutions and make proposals that further enhance openness and accountability.

***Economic Relationships:*** The Commission will explore how best to structure law to enhance the country's economic strength while protecting fundamental social values.

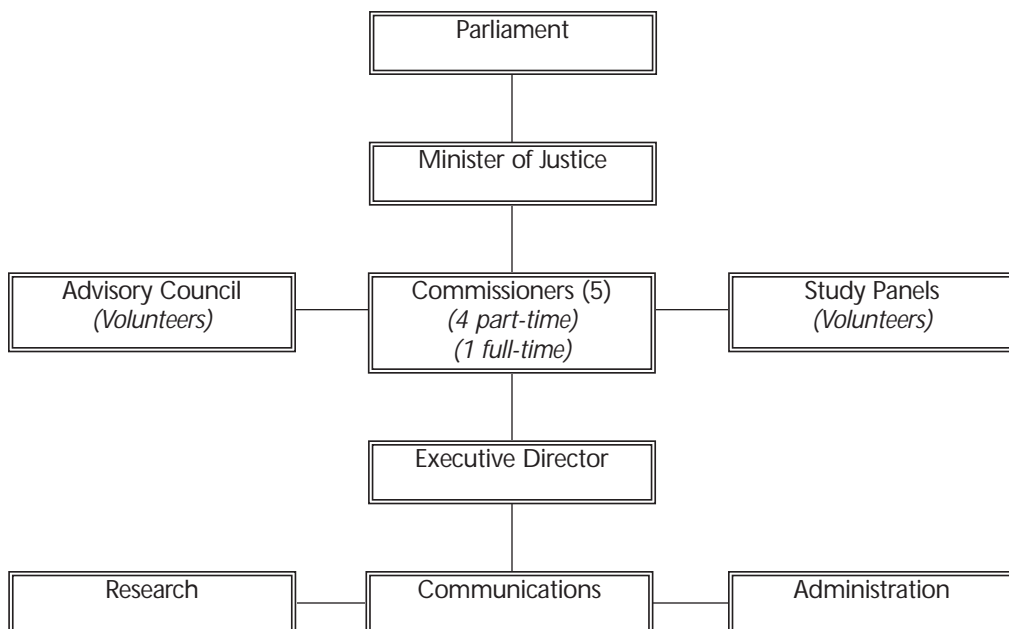
## Organization

The Law Commission, a departmental corporation, is an arm's length body 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 of Justice for terms not exceeding five years. The Commission is supported by a small Secretariat headed by an Executive Director.

The Commission appointed a voluntary Advisory Council of 21 individuals and experts. They reflect Canada's socio-economic and cultural diversity, and represent a broad range of disciplines. The Council will provide input and advice on strategic directions and the Commission's long-term research program, performance review and other relevant matters.

Study Panels will be appointed as needed to provide advice on specific research projects. Each panel, headed by a Commissioner, will be comprised of volunteer experts from multiple disciplines and members of affected communities. To support the Study Panels, research contracts will be given to recognized experts in the private sector and academia.

**Table 1 Organization Chart**



## Section III Performance



The Law Commission of Canada comprises one single business line. The Commission was formed in July 1997, and has initially focused its efforts on laying the foundation for future work.

The Law Commission of Canada	
Planned Spending	n/a
Total Authorities	\$1,873,887
1997-98 Actuals	\$1,206,421
1. The Agency came into operation as of July 1, 1997, and was not reflected in the Main Estimates in 1997-98.	

### Expectations and Accomplishments

The Commission has established a performance evaluation framework that will use a combination of qualitative and quantitative information to indicate the achievement of its objectives.

In general terms, the Commission's expected results and corresponding performance measurement strategies fall into the following categories:

**Relevant Research:** *The development and conduct of a creative research agenda reflects current and emerging priorities as demonstrated by the interest and involvement generated amongst leaders of the legal professions, academic communities, other governments and the public.*

In its first months of operation, the Commission launched extensive consultations to develop its strategic agenda. A broad spectrum of groups and individuals suggested a host of possible research avenues. The Commission then distilled these ideas into four strategic themes which were confirmed by the Advisory Council.

The four themes—personal, social, economic and governance relationships—are closely intertwined. Each research project within one theme will be linked with the other themes. By highlighting common relationships between the themes, the Commission can draw out the larger implications of its projects. During its first year of operation, the Commission began working on the theme of personal relationships. Other themes were to be phased in during the current fiscal year.

In November 1997, the Commission received a "Reference" from the Minister of Justice. The Minister asked the Commission to prepare a "report addressing processes for dealing with institutional child physical and sexual abuse." The Minister also requested recommendations on how to respond to past instances of abuse in government-run and government-funded institutions.

In February 1998, the Commission submitted an Interim Report that outlined its approach to this challenging assignment. The Commission plans to develop an inventory of instances of institutional abuse, as well as the responses to that abuse. It will also assess the strengths and weaknesses of possible models for addressing institutional child abuse. By the end of the year, a number of research projects examining these issues were underway. A Study Panel for this Reference was to be established early in 1998–99. The final report was expected later in the year.

***Effective Consultation:*** Accessible information available to all relevant stakeholders in Canadian society, as assessed by the amount of public engagement in the consultation process.

The ability of the Commission to fulfil its mandate depends in large part on establishing creative ways to consult with Canadians. Two weeks after the Commission commenced operations, it launched broad consultations to solicit nominations for the Advisory Council, as well as suggestions for the Strategic Agenda. Some 800 Canadians responded to this invitation. Drawing on this pool of potential candidates, the Commission was able to form a 21-member Advisory Council that reflects the diverse nature of Canadian society.

The Commission has recognized the Internet as an important tool to reach people interested in renewal and reform of the law. During the year, we launched our website at [www.lcc.gc.ca](http://www.lcc.gc.ca). Ultimately, the website will offer information about the Commission and its activities, advertise contract opportunities and formal consultations, provide direct access to research papers and provide an opportunity for dialogue through online discussion groups.

In addition, to solicit ideas about where to focus its research, the Commission visited schools and addressed community groups. As well, consultations with news media prompted news articles about the Commission.

Together, these formal and informal consultations were a positive first step to engage Canadians in the work of the Commission.

***Productive Partnerships:*** Establishment of productive research networks as demonstrated by the number and variety of agreements with public and private organizations.

Law is no longer the pursuit of government alone. Today, many non-governmental organizations (NGOs) are also engaged in law reform. In addition, while some independent agencies remain active, others have been transformed into joint ventures with governments, law societies and faculties of law. All this activity makes the Commission keenly aware of the need to forge partnerships with groups and individuals interested in law reform, to stimulate critical debate, to build networks among academic and other research communities and to facilitate cooperative efforts among commissions, governments and legal professions.

During the year, the Commission initiated partnerships with legal professions, law faculties and other university departments, voluntary professional associations, the Uniform Law Conference, the Social Sciences and Humanities Research



Council of Canada and various non-profit organizations and policy institutes. This strategy was complemented by contacts with several federal departments and agencies and with Parliamentarians from all political parties.

The establishment of partnerships during 1997–98 was an initial step towards creating joint research projects, avoiding duplication of studies and reinvigorating the law reform movement in Canada.

**Quality Recommendations:** *Timely and comprehensive proposals for improvement, modernization and reform of the law, as recognized by stakeholders, partners, the media and decision-makers.*

Given that the Commission was created only in 1997–98, it has not yet submitted recommendations for modernizing and reforming the law. It has, however, provided the Minister with a Strategic Agenda and an initial report on the Reference. Moreover, in March 1998, the Commission organized three separate round tables across the country that allowed interested groups to explore a key issue and establish partnerships.

On March 7, the Commission hosted a round table on the *Provincial Court Judges Case* in Victoria, B.C. It was attended by 70 participants, including judges and Chief Justices from all Canadian courts, as well as about two dozen officials from various Ministries of Justice. Participants engaged in an open discussion about judicial independence and compensation.

On March 11, the Commission co-hosted a round table with the Institute On Governance in Ottawa, Ontario. A panel of political scientists, senior civil servants, heads of NGOs and community activists assembled to discuss potential avenues of research under the theme of governance. Participants worked to define the term and to highlight its most pressing issues.

On March 25 and 26, the Commission co-sponsored a round table with the Alberta Law Reform Institute in Edmonton. The *Law Reform 2000 Round Table* brought together representatives of the law reform community from across Canada. One of its major achievements was the reconstitution of the Federation of Law Reform Agencies of Canada.

**Efficient Operations:** *An administration that makes cost-effective use of resources and ensures optimal application of technology.*

During its first year of operation, the Commission focused on developing a cost-effective administration. For most of 1997–98, the Secretariat had three members. By the end of the year, the Secretariat had expanded to five persons. The Secretariat supports the work of one full-time, salaried Commissioner and four part-time Commissioners who work on a per diem basis. The Commission also has an Advisory Council composed of 21 volunteer members.

In addition, the Commission contracts out research to keep administration costs down. By consulting with the law reform community in Canada, the Commission also ensures that its work complements, rather than duplicates, the work of

others. Finally, the Commission began using technology such as the Internet to disseminate information and to conduct its own research.

Being a new organization, the Commission ensures Year 2000 compliance is a consideration in the acquisition of its equipment. All of the Commission's current information management systems are Y2K compliant. Consequently, no contingency measures are deemed necessary at this time.

## Section IV Financial Performance



Financial Table 1				
Summary of Voted Appropriations				
A. Authorities for 1997-98 — Part II of the Estimates Financial Requirements by Authority (millions of dollars)				
Vote		1997-98 Planned Spending	1997-98 Total Authorities	1997-98 Actual
	Law Commission of Canada			
33a	Program expenditures	—	1.9	1.2
(S)	Contribution to employee benefit plan	—	—	—
Total for the Commission		—	1.9	1.2
Total Authorities are the funds received through the supplementary estimates for the establishment of the Commission.				
1. Figures are in millions of dollars.				
2. The Agency came into operation as of July 1, 1997, and was not reflected in the Main Estimates in 1997-98.				

## Financial Table 2

### Comparison of Total Planned Spending to Actual Spending

#### Departmental Planned versus Actual Spending by Business Line (millions of dollars)

Business line	FTEs	Operating	Capital	Voted Grants & Contributions	Subtotal: Gross Voted Expenditures	Statutory Grants & Contributions	Total Gross Expenditures	Less: Revenue Credited to the Vote	Total Net Expenditures
<b>Law Commission of Canada</b>	—	—	—	—	—	—	—	—	—
<i>(total authorities)</i>	8	1.9	—	—	1.9	—	1.9	—	1.9
<b>(Actuals)</b>	2	1.2	—	—	1.2	—	1.2	—	1.2
<b>Total</b>	—	—	—	—	—	—	—	—	—
<i>(total authorities)</i>	8	1.9	—	—	1.9	—	1.9	—	1.9
<b>(Actuals)</b>	2	1.2	—	—	1.2	—	1.2	—	1.2
<b>Other Revenues and Expenditures</b>									
Revenue credited to the Consolidated Revenue Fund									—
<i>(total authorities)</i>									—
<b>(Actuals)</b>									—
Cost of services provided by other departments									—
<i>(total authorities)</i>									—
<b>(Actuals)</b>									—
<b>Net cost of the Program</b>									—
<i>(total authorities)</i>									1.9
<b>(Actuals)</b>									1.2

Note: Numbers in *italics* denote Total Authorities for 1997–98 (supplementary estimates)

**Bolded** numbers denote actual expenditures/revenues in 1997–98

Since this is the first year of operation of the Law Commission of Canada, there is no Table 3, Historical Comparison.

Also, Tables 4 to 15 are not applicable to the Commission.



## Section V Other Information



### Contacts

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### Statutes Administered by the Law Commission of Canada

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