



**LCC | CDC**

Living Law | Pursuing Justice | Renewing Hope

# WHAT WE HEARD

*The Law Commission of Canada in Listen & Learn Mode*

*June to December 2023*

## Background

In 2023, following a 17-year hiatus, the Law Commission of Canada (“LCC”) rejoined independent law reform agencies throughout this country and beyond in underscoring the value of research and reflection on law’s roles in shaping human communities and supporting our complex identities, connections, and interactions.

Established by Parliament in the spring of 1997 by the [Law Commission of Canada Act](#), the LCC is mandated to consider the changing needs of Canadian society through the study, review, and innovative development of Canada’s law and legal systems.

Non-partisan in nature and distinct from advocacy groups, the LCC offers leadership and guidance on the responsible and responsive evolution of law in the lives of people across Canada.

## Introduction

Following the appointment of its President, Professor Shauna Van Praagh, and two Commissioners, Sarah Elgazzar and Aidan Johnson the LCC began its formal engagement with the people of Canada through roundtables, multilateral discussions, individual meetings, and larger conferences. These engagements were approached from a “listen and learn” perspective, a mode which will continue to characterize the LCC’s projects, initiatives, and activities going forward.

The primary goal of these engagements was to identify issues related to law and justice which participants considered pressing or likely to emerge on the horizon, and with which the LCC may engage in the course of its work. The roundtables and multilateral discussions also served as a site for interesting and mutually beneficial exchange, allowing participants to learn about the work and perspectives of others, and to form connections across their endeavours.

In addition, members of the Commission staff were invited by the President prior to the official start of her mandate to reach out in “listen and learn” mode to individuals who worked for the LCC from 1997-2006.

*What We Heard* presents an overview of what members of the LCC learned in the course of engagements through to the end of 2023, with a particular focus on issues or questions that were raised more than once. Similar *What We Heard* documents will be released on an ongoing basis throughout President Van Praagh’s mandate to highlight the challenges, complexities, considerations, and creative possibilities that exist with respect to the ongoing evolution of law in Canada.

## What We Heard

### I. What, Who, When and Where?



### II. Preoccupations

Participants shared their concerns and preoccupations, as well as their hopes and aspirations:

- The need for overarching federal frameworks and “rebuild” initiatives (in areas including criminal law, policing, tax law, immigration), with a concerted move away from a mode of piecemeal reform.
- The importance of meaningful and substantive Indigenous engagement and perspectives in the development of the LCC program.
- The perceived crisis of scepticism and distrust regarding the rule of law, legal institutions, and democratic structures, as well as the corresponding need for responsive and agile governance mechanisms and ways in which to encourage and sustain difficult yet crucial conversations.

- The importance of transnational and transdisciplinary approaches to law and legal research, and the potential of enriching the work of the LCC and its collaborators through non-legal perspectives.
- The need to review and improve civil and criminal procedure, access to justice, meaningful participation, and to prioritize alternative, innovative paths to justice.
- The fact that, in some areas, intensive work is being done or is needed to improve cross-jurisdictional integration, consistency, or uniformity (e.g. issues in family law, commercial law, charitable organizations).
- The importance of paying attention to connections among technology, protection of Canadian culture and content, privacy, and corporate responsibility.
- The expectation that the LCC will take on multi-year projects with meaningful research components.
- The value of engaging directly with individuals working on the ground in communities from coast to coast to coast to foster an understanding of the different realities and contexts that exist within Canada.

### III. Projects

Participants shared activities, undertakings, and ventures that illustrated their commitments, responsibilities, and priorities:

- The importance of creating opportunities for scholars and researchers to share and hear about projects with a potential impact on members of Canadian society.
- The existence of spaces for possible partnerships or collaborations with respect to, for example, governance of AI and the fragility of justice-related institutions.
- The reliance of government policy making on solid understanding of issues (need for substantial expert knowledge and reflection), and the need to inform decision-making with a realistic sense of resource costs and consequences.
- The importance of collaboration with, *inter alia*, groups/institutions focused on policing, health, community services, and human rights in matters related to criminal justice reform.
- The Supreme Court of Canada's initiatives with respect to communicating with Canadians – and particularly with students – about its own work and more broadly about the Canadian judiciary.

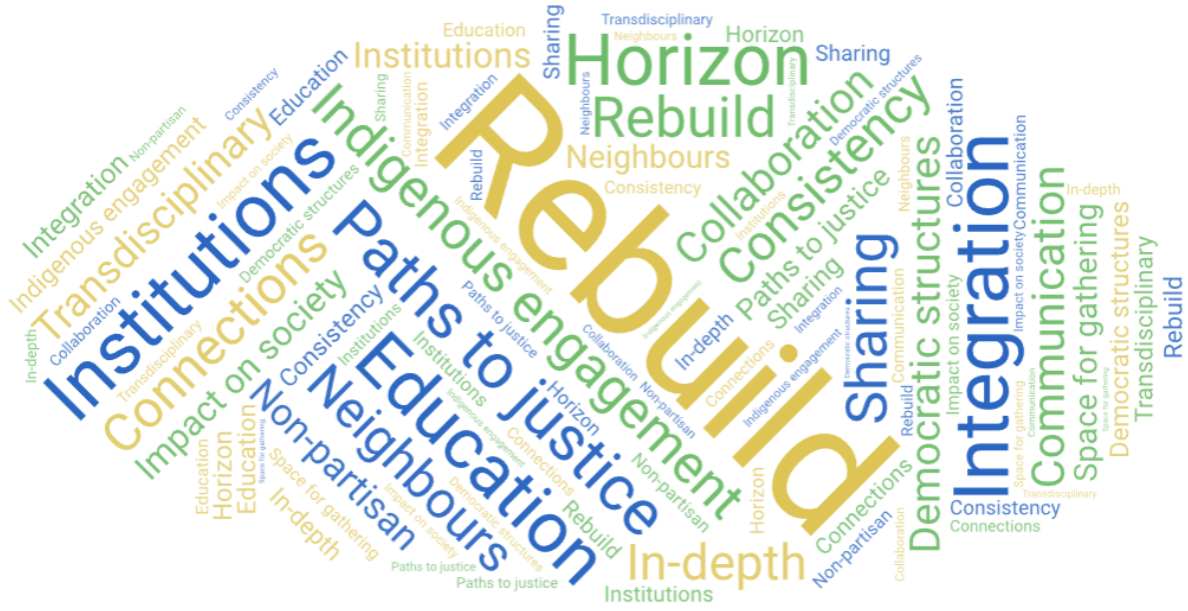
- The encouragement of regular sharing across a network of Commonwealth law commissions and the existence of a broad range of projects focused on aspects of criminal law reform (e.g. communication offences, sexual offences, the definition of murder, AI and crime, and integration of Maori customary law into New Zealand’s criminal law creation and practice).

#### **IV. Possibilities**

Potential intersections and implications relevant to the LCC’s work, in the form of reminders, advice, and potential directions to explore, emerged:

- The LCC is uniquely situated to identify and address transversal questions and themes that go far beyond the day-to-day application of the law or the regulation of affairs.
- The LCC could and should create educational resources, and can play a significant role in explaining law, and in incorporating law reform into legal education in particular.
- The LCC could offer a space for gathering and sharing projects, connecting foundational elements and serving as a form of national bilingual clearinghouse for initiatives and practices across traditions and jurisdictions.
- The LCC could reach out to students beyond law, and to members of the young Bar, in order to weave together education, practice, and participation in imagining renewal through law reform.
- The collaboration of researchers in law and legal professional actors can be mutually beneficial and is central to the vocation and work of the LCC.
- Law reform institutes and commissions across Canada are “neighbours” in the world of law reform, helpful comparative models, and sources of expertise and experience.
- The LCC’s directions and programs should be rooted squarely outside the realm of partisan agendas.
- There is a true need for institutional history and retention of documents produced by the LCC.

There is a significant potential value for Parliamentarians, in particular, if the LCC can serve as the site of deeper reflection and take on in-depth, rigorous examination of issues under current scrutiny, as well as those on the horizon.



***The LCC is an independent agency committed to engaging the people of Canada in the ongoing and dynamic evolution of law***