minority government, where the government did not have an absolute majority in the House.

If our party put amendments or recommendations for the criminal justice system to the law commission, if the minister did not want it to happen it simply would not happen because of the majority in this House. Although I appreciate the structure of the words in clause 6, I believe they are totally unworkable as far as accountability is concerned.

• (1130)

Ms. Jean Augustine (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I rise in support of Bill C–106, an act respecting the Law Commission of Canada. In doing so, I want to focus on one particular aspect of the approach to law reform embodied in the legislation: the emphasis on consultation in the bill.

Consultation is a word that over the years has been sucked into the chilly abstract vocabulary of social and organizational planning and also has become a part of the technical jargon of experts and specialists. Sometimes in the House the word consultation seems to take on a negative connotation.

In talking about consultation in the bill, I am talking about consultation as a living, social process, the antithesis of arbitrary rule, and what is in a positive sense the soul of the democratic system of government; that is, asking what one thinks and getting a response and acting on the response.

When parties bring their policies before the public at election time or other times, that is consultation on the most basic scale. The building of democracy consists in large part in consulting ever more broadly and thoroughly, involving all who have a stake in the process. By consulting one looks at all the players, all those the end result of consultation would affect.

All members of both Houses at this moment are working in a mode of consultation. We are doing the nation's business in a consultation mode. That is, when we are considering something that is before us we see the importance of consultation, the importance of sharing with the stakeholders and getting the views of all stakeholders and bringing this to the discussion.

The agenda of law reform is set by the challenges of the times. It is a continuing task of renovation, identifying existing problems and new trends, and of dealing with the areas of the law in which time and change have revealed gaps and insufficiencies. That task was once handled for the most part by lawyers and legal professionals, toiling in the framework of the royal commission or other temporary bodies. It was shouldered by a permanent law reform commission, which operated from 1972 until 1992, when it was abolished by the previous government to the general dismay of the legal profession.

In the election platform of 1993 we said we would reverse that action. At the same time, we recognized that we should do more than restore the previous commission in a form identical to that prescribed in the early 1970s. We wanted to give that reform life and energy.

The agenda of law reform is shaped in direction and detail by the social and economic environment of the time. That agenda has been utterly transformed since the structure and approach of the previous commission was laid down by Parliament nearly a quarter of a century ago. Times have changed. It is different. We are in different times because Canada is different. First of all, there has been a far reaching social transformation. In 1971 we were a country of 21 million. In 1995 we are approaching 30 million in population. The demographic and cultural composition of our population is different, 1971 to now. We are also 25 years further down the road in terms of our democratic evolution.

• (1135)

Consultation has now been incorporated by custom and institution into our way of life and our way of doing things. Canadians of our time, including the generation that grew up with the charter of rights and freedoms, take it for granted that they will have a part in the making of policies that affect their lives. Meanwhile, transformations in technology, trade, and industrial structure have made the Canadian economy more complex.

As a result of change at all these levels, the inadequacies that make law reform necessary reveal themselves not only in the courtroom but in other settings. They emerge in the marketplace, the workplace, the home, the scientific laboratory, the social welfare centre, and at the centres of learning of about a dozen disciplines. These trends have made it more important that law reform become a co–operative enterprise informed by expertise in many fields.

The process that has brought this bill before us today has been open and consultative from the start. The Minister of Justice knows the benefit of consultation. This process began with two original consultations. They brought together representatives of the academic community, the judiciary, provincial governments, and also non–governmental organizations with an interest in law reform.

The process continued in 1994 with the distribution of a consultation paper on the structure and modus operandi of the new commission. That document went to over 800 groups and individuals and to all members of the two chambers of Parliament.

To illustrate the breadth of the consultation, the organizations involved included, to name a few, the Canadian Medical Association, the Elizabeth Fry Society, the John Howard Society, women's groups, multicultural groups, aboriginal associations, et cetera. Of course the process also allowed the full and